

AMP002

Asbestos Management

Policy

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Lead Officer	Director of Assets & Sustainability

BOARD APPROVAL

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1. Introduction

Trust Housing recognise it has a duty under the Health and Safety at Work Act 1974, and supported legislation, to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees, service users, contractors, the public and others who may be affected by its undertakings.

The Association also recognises it has a corporate and moral responsibility to comply with their duties stated in the Control of Asbestos Regulations 2012 (CAR12). In this regard, the Association will ensure, as far as reasonably practical no persons will be exposed to the health risk due to exposure of any asbestos containing materials within any of its properties whether owned or leased. Note: guidance on relevant legislation can be found in Appendix 1.

2. Background – Duty to Manage Asbestos

The Control of Asbestos Regulations 2012 (CAR12) specify a ‘Duty to Manage’ asbestos on the part of employers/landlords (and other defined ‘Duty Holders’) and, properly discharged, this should entail the development and operation of a robust Asbestos Management System, incorporating defined roles, responsibilities, policies, and procedures for the effective risk management of asbestos.

Regulation 4 of CAR12 places a legal duty on ‘Duty Holders’ (typically employers and those in control of premises and works which may interfere with building fabrics) to ‘manage’ asbestos risks. In essence, this duty is designed to ensure that the possible presence of asbestos, and appropriate actions, are considered at all stages of:

- Normal occupancy
- Repairing and refurbishing
- Demolishing of premises

3. Policy Statement

Trust will:

- i. Ensure the prevention of exposure to risks associated with asbestos containing materials that may be present in any of its buildings or curtilage and ensure they are maintained in a condition to prevent the possibility of any harm to health occurring.
- ii. Provide adequate resources and promote awareness of the risks from asbestos containing materials through training and induction to relevant staff. This will also include training on policy and procedures.
- iii. Ensure operational procedures comply with all relevant asbestos legislation, Approved Codes of Practice, Health, and Safety Executive Guidance Notes and to commit to the safe disposal of any asbestos waste in accordance with the appropriate legislation.
- iv. Ensure all common parts of the Association’s’ stock, built pre-2000, are subject to an Asbestos Management Survey Programme and an Asbestos Register is

- prepared and maintained. This Register will undergo regular reviews and be updated after any treatment and/or removal works have been undertaken.
- v. Ensure appropriate Asbestos Refurbishment and Demolition Survey strategy is in place in accordance with current legislation.
 - vi. Ensure only UKAS accredited asbestos consultancies are used for asbestos surveying works, asbestos air testing and asbestos analysis work
 - vii. Ensure an appropriate Asbestos Management System is installed, maintained, and implemented for the management of all asbestos containing materials identified in the Asbestos Register. Such a system is to be capable of recording the risk, the needs, and priorities for treatment and/or removal.
 - viii. Ensure all Contractors and Subcontractors engaged to carry out work on any of the Association's buildings are provided with adequate information on asbestos which may be disturbed by their works
 - ix. Ensure that information regarding the presence of asbestos is contained in tender documentation as may be appropriate
 - x. Ensure Licensed Contractors and/or Subcontractors carry out ALL Asbestos Licensable Works and Competent Contractors carry out ALL Asbestos Minor Works.
 - xi. Ensure all Non-Licensed Contractors carrying out Asbestos Non-Licensable Works have appropriate safe systems of work and adequate insurance cover
 - xii. Ensure the Asbestos Management System, policy and procedures are reviewed on a regular basis
 - xiii. Ensure Tenants are made aware of the possible presence of asbestos within their properties through Newsletters and Safety Information leaflets. This should include reminding them that no tenant alterations and improvements should be carried out without authorisation due to the risk from asbestos exposure and other hazards
 - xiv. Ensure the Tenancy agreement includes a section on not disturbing the building fabric and requirement for requesting authorisation for proposed alterations and improvements.

4. Roles and Responsibilities

4.1. Trust Board

- The Board are collectively responsible for providing leadership and direction on Health & Safety and, with relevance to asbestos risk management, will ratify and endorse the Asbestos Policy and Procedures
- The Board will support the Chief Executive and Asbestos Responsible Person in relation to asbestos risk management and/or compliance with the Asbestos Management System
- The Board will review the findings of all internal and external asbestos audits and of any investigations into reported asbestos failures and will authorise the use of all reasonable support, funding etc. required to rectify any significant non-compliance.

4.2. Chief Executive Officer

- The Chief Executive, in holding the most senior level of executive control within the Association, will hold ultimate accountability and responsibility for the development and implementation of the Asbestos Policy
- The Chief Executive will appoint a suitable and competent Asbestos Responsible Person to oversee the management of the Asbestos Management System.
- Ensure reasonable resources are available to allow the Asbestos Approved Person and others to undertake their duties and responsibilities as defined in this policy and procedure.

4.3. Asbestos Responsible Person (ARP)

The Head of Assets and Sustainability will act as the Asbestos Responsible Person and be responsible for the following:

- Ensure practical delivery and implementation of the Asbestos Policy and identify amendments/updates for improvement
- Provide all reasonable support (both Management and Technical) to both the Board, Chief Executive and Executive Team to assist them in discharging their specified duties under this policy
- Escalate all relevant issues, non-conformances, policy breaches and other material events to the Chief Executive without undue delay
- Undertake all reasonable steps to deal with Asbestos related emergencies, uncontrolled risks and required actions brought to his/her attention.
- Ensure adequate line of communication on asbestos are maintained throughout the Association
- Ensure Asbestos Management System, policy and procedures are regularly reviewed and updated with significant actions brought to the attention of the Chief Executive and Trust Board.

4.4. Asbestos Coordinator

The Planned Maintenance, Investment & Compliance Manager will act as the Asbestos Co-Ordinator and be responsible for the following:

- Will operationally manage the Asbestos Management System and ensure all staff, consultants and contractors adhere to the policy and procedures
- Oversee the recommended 18-monthly audit of the Asbestos Management System, policy and procedures. Prepare a report on the audit findings to both the Asbestos Responsible Person and others for comment/actions
- Assess performance of the Asbestos Management System, review progress of survey strategy, action plans, removals, reported incidents and agree actions. Significant actions will be escalated to the Asbestos Responsible Person

4.5. Works Duty Holder & Relevant Staff

- All staff involved in the management of day to repairs and planned maintenance will be responsible for ensuring the policy and procedures are followed and

adhered to. This will include instructing and arranging Asbestos Refurbishment, Demolition and Maintenance surveys for works that may disturb or damage asbestos containing materials

- Arranging ad hoc asbestos surveys where works are being undertaken and it is not known if asbestos is present. This will include all common areas and in tenant's homes
- Where recommendations are for asbestos removal, Works Duty Holders will be responsible for ensuring competent and approved Contractors are appointed to carry out removal, provide post works air tests and clearance certificates. All works to be recorded in the Asbestos Management System
- Works Duty Holders will ensure asbestos information is included in tender packages and included in Preconstruction Health and Safety information packs as required by the Construction (Design & Management) Regulations 2015.

4.6. Health & Safety Committee

- Led by the Health, Safety & Business Continuity Officer, the Health, and Safety Committee will be responsible for reviewing the Asbestos Management Policy and Procedures and providing feedback on proposed changes, incidents, improvements etc.

4.7. Employees

- Take reasonable care for their own health and safety and that of other persons who may be adversely affected by asbestos works, including members of the public, tenants, visitors, and contractors
- Co-operate as appropriate with other staff and agencies to ensure compliance with this policy and all other legal requirements
- Report any concerns that they may have in relation to the management of asbestos.

4.8. Tenants & Leaseholders

- In conjunction with current Tenancy Agreement conditions which state that tenants are not permitted to make any material alterations to their homes without the express formal written permission of Trust Housing Association. Leaseholders are informed of their specific requirements in their Terms of lease conditions.

4.9. Contractors

- In conjunction with Trust Housing Association's Supply Chain Code of Conduct. Contractors are required to immediately report any asbestos related risks or concerns to Trust Housing and stop ongoing works until they are satisfied their concerns have been addressed.
- All contractors will be required to comply with relevant regulations and use information made available to them through this policy to assist them.

Compliance will occur through ongoing auditing and compliance with their own internal quality control systems

- Contractors are responsible for managing their own asbestos management procedures, training, and records
- Only Licensed Contractors will be permitted to carry out Licenced removal works. Non-Licensed Contractors will only be permitted to carry out non-licensed works following submission of adequate method statement. They will also hold the required levels of insurance.

5. Competency and Training

In compliance with the Control of Asbestos Regulations, we will provide instruction, information and training to staff who partake in the asbestos management process including arranging asbestos removal. In accordance with current guidance, training will be provided annually for all relevant staff.

The undernoted competency matrix has been defined to provide core training for each job role, supported by additional information, instruction and training as deemed appropriate.

Table 1: Trust Training Matrix

Training	CE	ARP	AC	Works Duty Holder	Relevant Staff
Asbestos Awareness (Category A)	✓	✓	✓	✓	✓
Training on the Asbestos Policy and Procedures	✓	✓	✓	✓	
Training on Specific Roles & Responsibilities	✓	✓	✓	✓	✓
Asbestos for Managers and Duty Holders	✓	✓	✓	✓	
Accredited Asbestos Management Course		Optional	Optional		

The Training and Development Team will maintain a record of asbestos training for both existing and new members of staff.

6. Audit and Review

We will:

- Ensure a regular 'systems and 'technical' audit is undertaken of the entire asbestos management system at least once every 18 months. This will take account of all policies and procedures, compliance with regulations, roles and possibilities, training records, benchmarking, third party performance, sample works records, asbestos incidents, etc.
- Ensure a written report is prepared detailing the findings of the above audit, highlighting any non-conformances and/or areas for improvement and making recommendations for presentation and review
- Ensure the vertical audits of planned and reactive repairs contracts are undertaken and the appropriate asbestos elements are incorporated at each stage of the chain as required.

7. Document Control

7.1. External File Keeping (ACS/Alpha Tracker)

Our Asbestos database is maintained by ACS and held on a cloud-based software called “Alpha Tracker “which is a specialist asbestos management tool. The system allows:

- Asbestos Surveys and Reinspection survey data to be regularly uploaded and integrated into the Asbestos Management System and Register
- Live access to the Asbestos Register interface where most recent information can be accessed by anyone with a computer, tablet or mobile phone using web browser.

7.2. Internal File Keeping (Microsoft Teams)

The Asbestos Management Teams site will provide an operational location for the following documentation:

- Survey folder for all instructed asbestos survey reports including Asbestos Management, Refurbishment and Demolition surveys.
- Incident Report record sheet for recording and reviewing any asbestos related incidents
- Audit and Review reports including record of follow on changes and recommendations
- Approved Contractor and Consultant lists with framework prices for asbestos removal and surveys
- Quick reference guidance on formatting requirements and locations of records, roles, and procedures.

Trust will comply with both the Data Protection Act 2018 and the General Data Protection Regulations. Our full privacy policy can be found on the Trust Housing website – www.trustha.org.uk.

8. Outcomes & Standards

8.1. Scottish Social Housing Charter Outcomes & Standards

- Standard 1 – Equalities
- Standard 4 – Quality of Housing
- Standard 5 – Repairs, Maintenance, and Improvement

8.2. Regulatory Standards of Governance & Financial Management

- Standard 1 - The governing body leads and directs the RSL to achieve good outcome for its tenants and other service users.
- Standard 4 – The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisations purpose.
- Standard 6 – The governing body and senior offices have the skills and knowledge they need to be effective.

9. Data Protection

We will comply with the provisions of the Data Protection Act 2018, which gives individuals the right to see and receive a copy of any personal information that is held about them by the Association and to have any inaccuracies corrected.

10. Anti-Bribery

Trust is committed to the highest standards of ethical conduct and integrity in all its activities and, to ensure compliance with the Bribery Act 2010, it has introduced an Anti-Bribery policy and procedures. These must be adhered to by all colleagues, Board Members and associated persons or organisations acting for or on behalf of Trust when undertaking any actions referred to in this policy.

11. Statement Equality, Diversity & Inclusion (EDI)

As leaders of EDI, Trust aims to promote equality and diversity and operate equal opportunities policies which inform all aspects of its business. It will ensure that it adheres to the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination. As such, in considering this policy, no one will be treated differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010:

- disability.
- sex.
- gender reassignment.
- pregnancy and maternity.
- race.
- sexual orientation.
- religion or belief.
- marriage and civil partnership.
- age.

or because of any other condition or characteristic which could place someone at a disadvantage were it to be taken into account, unless this can be objectively justified in terms of the legislation.

Trust will make reasonable adjustments for disabled people where necessary and possible to do so and will use Happy to Translate tools and procedures to help overcome a language barrier.

12. Policy Review

This policy will be reviewed on a three-yearly basis, or if there are any significant changes to Current Asbestos Legislation. The purpose of the review is to assess the policy's effectiveness and adhering to current legislation and good practice and identify any changes which may be required.

13. Document References

In all of the Trust's official documents, where references are made to specific job titles, roles, groups or committees, such references shall be deemed to include any changes or amendments to these job titles, roles, groups or committees resulting from any restructuring or organisational changes made within Trust (or, where this policy also applies to another member of the Trust group, made within that group member) between policy reviews.

Appendix 1 – Asbestos Legislation and Guidance

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 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.

Approved Codes of Practices

- L143 – HSE Approved Code of Practice (ACoP) to CAR 2012
- HSG210 Asbestos Essentials
- HSG213 Introduction to Asbestos Essentials
- HSG227 A comprehensive guide to managing asbestos in premises
- HSG247 Asbestos: The Licensed contractor's guide
- HSG248 Asbestos: The analysts' guide for sampling, analysis and clearance procedures
- HSG264 Asbestos: The Survey Guide
- MS31 Guidance for Appointed doctors on the Control of Asbestos