



Asbestos Treatment and Recording Policy

Policy Implementation Checklist	
Policy Guardian	Irene Campbell (Chief Executive)
Policy Author	Derek Rainey (Asset Manager)
Policy Title:	Asbestos Treatment and Recording Policy
Approved by Chief Executive on:	
Approved by LHA Management Committee on:	10 December 2019
Effective from:	11 December 2019
Due for Review on:	December 2022
Policy Linkages:	CDM Policy (in draft)
Training Completed on:	
Posted on Website on:	
Staff Sign off as Read and Training Completed	

Table of Contents

Section 1: Introduction	1
1.1 Asbestos	1
1.2 Background.....	2
1.3 Scope.....	3
1.4 Equality and Diversity.....	3
1.5 Our Mission	3
1.6 Our Vision and Values	3
1.7 Our Organisational Culture	4
1.8 Applicable Definitions.....	4
1.9 Reference Documentation	4
Section 2: The Legal Framework	5
2.1 Health and Safety at Work Etc. Act 1974: General Duty on Employers	5
2.2 Management of Health and Safety at Work Regulations 1999: Risk Assessments	5
2.3 Construction (Design and Management) Regulations 2015: Construction Work	5
2.4 Control of Asbestos Regulations 2012: Preventing and Reducing Exposure	6
Section 3: Overarching Objectives and Implementation	7
3.1 Overarching Objectives	7
3.2 Implementation	7
Section 4: Compliance and Complaints	12
4.1 Monitoring and Review of Register and Plan	12
Section 5: Review of Asbestos Treatment and Recording Policy.....	13
APPENDIX 1: EQUALITY IMPACT ASSESSMENT	14
APPENDIX 2: CHECKLIST	15

Section 1: Introduction

1.1 Asbestos

1.1.1 As a social landlord, and factor, we have a duty to ensure the health and wellbeing of our tenants, owner occupiers, staff, contractors and all other users from asbestos present in our properties.

1.1.2 The Control of Asbestos Regulations 2012 came in to force on 6 April 2012, updating the previous asbestos regulations, in order to take account of the European Commission's view that the UK had failed to implement the EU Directive regulating exposure to asbestos (Directive 2009/148/EC). The changes required within the current legislation are fairly limited. The 2012 Regulations require that some types of non-licensed work containing asbestos now have additional requirements i.e. notification, medical surveillance and record keeping by the licensed contractors. All other requirements, however, remain unchanged.

1.1.3 The regulations relate to non-domestic properties and communal areas of domestic properties. The Association's Asbestos Register will contain information relating to all of its stock where asbestos is present or may be present i.e. housing and lock-ups. Under Regulation 4 of the 2012 Regulations, the Association has a "duty to manage" any asbestos found or suspected in non-domestic properties, i.e. lock-ups, and to protect anyone using or working in the premises from the risks to health that exposure to asbestos can cause.

1.1.4 The Policy aim is to outline to staff how an assessment of risk will be made, how to determine the presence of Asbestos Containing Material ('**ACM**') and the treatment and information provided to contractors who may be required to undertake work in the proximity of ACMs.

1.1.5 The Association will expect the licensed contractor to determine if the works are licensed or non-licensed. Any asbestos works requiring to be carried out will be conducted by a licensed contractor, including asbestos removal, all work with sprayed asbestos coatings and asbestos lagging, and most work with asbestos insulation and asbestos insulating board. The Association expects its licensed contractor to notify the Health and Safety Executive ('**HSE**') in accordance with the Regulations and will expect any of the licensed contractors acting on its behalf to have in place "effective controls" for non-licensed as well as licensed asbestos works.

1.1.6 **Note:** In this Policy, Linthouse Housing Association is referred to as "LHA," "we", "us" or "our". Asbestos Containing Material is referred to as "ACM".

1.2 Background

1.2.1 Asbestos is banned in the United Kingdom due to its carcinogenic properties. Breathing in air containing asbestos can lead to asbestos-related diseases, mainly cancers of the lungs and chest lining. In the past few years the death rate has climbed to over 4000 and now constitutes the biggest single industrial killer in the UK. The number of asbestos related deaths are expected to rapidly increase over the next decade, potentially reaching 7,500 deaths per annum. There is no cure for asbestos-related diseases.

1.2.2 Whilst asbestos is banned in the UK, asbestos containing materials continue to be manufactured in other countries, particularly Eastern European countries. The Association therefore requests any of its contractors to exercise caution in this regard.

1.2.3 There are three main types of asbestos still found in premises. Whilst all are dangerous, blue and brown are more hazardous than white:

- Blue Asbestos (crocidolite)
- Brown Asbestos (amosite)
- White Asbestos (chrysotile)

1.2.4 Whilst it is now illegal to use asbestos in the construction or refurbishment of any premises, many thousand tonnes were used in the past and much of it is still in place. As long as it is in good condition and is not disturbed or damaged there is no risk. It is understood however, that if disturbed or damaged, it can become a danger to health as asbestos fibres are released into the atmosphere.

1.2.5 There are some key dates which can be used to assess the potential risk of asbestos in properties. These are as follows:

- 1992 - Brown and blue asbestos banned. Properties constructed or refurbished before this date may contain brown, blue or white asbestos.
- 1999 - Asbestos cement products banned (white asbestos). Properties constructed or refurbished between 1985 and 1999 may contain asbestos cement.

1.2.6 The location of asbestos and the risk from materials varies in accordance with the type and condition of the particular material. Some materials are more vulnerable to damage and are more likely to give off fibres than others.

1.3 Scope

1.3.1 This Policy applies to the Association's staff members and any relevant contractors, and outlines their responsibilities with regards to the presence of asbestos in our properties.

1.3.2 The Policy sets out the responsibilities of the Association and its contractors to maintain an Asbestos Register, carry out surveys, continuously record and appropriately investigate ACMs, take action to minimise the risks associated with asbestos and to undertake monitoring on a regular basis.

1.4 Equality and Diversity

1.4.1 Equality and diversity reflect the core values of Linthouse Housing Association and we strive to ensure that they are embedded throughout all of our services, policies and decision making. We are committed to promoting an inclusive and diverse culture that treats every individual with dignity, respect and fairness. We will actively challenge discrimination and empower people to succeed.

1.4.2 If you require further information, please refer to our Equality and Diversity Policy.

1.5 Our Mission

1.5.1 The Asbestos Treatment and Recording Policy forms part of our mission to:

“deliver high quality and cost-effective housing services designed to meet the needs of existing and future customers. To work in partnership with others to create thriving communities that people want to live and work in”.

1.6 Our Vision and Values

1.6.1 Our vision is the creation and sustainment of lasting, unique, vibrant homes in stable, popular and ambitious urban communities. Our vision is underpinned by four core values which we apply to all areas of our business. These are to be:

- i. Customer Driven**
- ii. Honest**
- iii. Accountable**
- iv. Transparent**

1.7 Our Organisational Culture

1.7.1 Our **C.H.A.T** values as outlined, form the foundation of our **Listen, Hear, Act (L.H.A)** customer excellence and organisational culture programme. All staff receive training at induction on customer service standards and the organisational culture we promote. This includes reference to our Equality and Diversity Policy and a requirement to treat colleagues, tenants, contractors, service users and any other stakeholders with dignity and respect.

1.7.2 The organisational culture we promote is based on finding solutions to suit customer needs regardless of individual differences.

- 1. Listen** - We are committed to listening to those we do business with, be that our customers, staff, stakeholders, regulators or funders, to ensure that our responses are reflective of what people are saying to us.
- 2. Hear** - Once we listen and understand the need/demand/offer that is presented, we will ensure that we fully understand what is being said.
- 3. Act** - Whilst we will think about what we do, we want to be known for acting swiftly to deliver solutions and for always keeping our promises.

1.8 Applicable Definitions

1.8.1 Duty Holder

Regulation 4 of the Control of Asbestos Regulations 2012 imposes a duty, on the 'dutyholder', to manage asbestos in non-domestic premises. LHA is a 'dutyholder' as defined within Regulation 4. Regulation 4 defines dutyholder as every person who has, by virtue of a contract or tenancy, an obligation in relation to the maintenance or repair of non-domestic premises. The Regulation also defines dutyholder as any person who has control over such non-domestic premises where there is no such contract or tenancy.

1.8.2 Non-Domestic Premises

For the purposes of Regulation 4 of the Control of Asbestos Regulations 2012 (duty to manage asbestos in non-domestic premises), legal precedent has defined 'non-domestic premises' as including common areas of blocks of flats.

1.9 Reference Documentation

1.9.1 The following reference documents were consulted in the preparation of this policy and procedure: The Control of Asbestos Regulations 2012 – Health and Safety Executive.

Section 2: The Legal Framework

2.1 Health and Safety at Work Etc. Act 1974: General Duty on Employers

2.1.1 The Health and Safety at Work Etc. Act 1974 imposes a general duty on employers to ensure the health, safety and welfare of their employees at work, so far as reasonably practical. This statutory duty is also applicable to others who may be affected by the employer's undertakings (i.e. work activity), such as contractors, tenants, neighbours, visitors and members of the wider general public.

2.2 Management of Health and Safety at Work Regulations 1999: Risk Assessments

2.2.1 The Management of Health and Safety at Work Regulations 1999 reinforce the Health and Safety at Work Etc. Act 1974 and expand the general duties contained in the latter. Regulation 3 of the Management of Health and Safety at Work Regulations 1999 places a duty on employers to undertake general risk assessments in order to protect persons who may be affected by their work activities.

2.2.2 Employers must undertake an assessment of all risks to health and safety arising from their work activity. The aim of such assessments is to establish an effective system of preventative and protective measures. Regulation 5 also imposes a statutory duty on employers to make arrangements to cover the effective planning, organisation, control, monitoring and review of health and safety.

2.3 Construction (Design and Management) Regulations 2015: Construction Work

2.3.1 The Construction (Design and Management) Regulations 2015 are the main regulations for managing the health, safety and welfare of all construction projects. The 2015 Regulations replaced the Construction (Design and Management) Regulations 2007.

2.3.2 The Regulations outline the responsibilities of each dutyholder, to ensure that projects are carried out in a way that secures health and safety. For any works that fall under the CDM Regulations, the Principal Designer must be notified of the presence of asbestos in any of the properties. Staff, customers and contractors must also be informed.

2.3.3 Any person carrying out construction works must also have the necessary technical knowledge, experience and training, or at the least be supervised by an individual with the necessary expertise and training.

2.4 Control of Asbestos Regulations 2012: Preventing and Reducing Exposure

2.4.1 The Control of Asbestos Regulations 2012 update the previous Regulations and further strengthen requirements to protect workers and others likely to be exposed to asbestos fibres arising from work with ACM. The Control of Asbestos Regulations 2012 is the key piece of legislation, regulating all work concerning ACM. The key objective is to prevent exposure to asbestos arising from work activities and to reduce such exposure where it is not reasonably practical to entirely prevent such.

2.4.2 Regulation 4 places a 'duty to manage' on LHA for all of its non-domestic premises. The duty holder (i.e. the Association) is responsible for identifying, locating and managing asbestos in any non-domestic building. Common areas of domestic buildings however, such as flats owned by LHA, fall within the remit of the law. Therefore, we have a legal obligation to survey and manage asbestos in any common areas.

2.4.3 The majority of duties are placed on employers; however, a dutyholder also includes those in control of non-domestic premises. It may be interpreted however, that as a landlord, the Association is instructing work to contractors whose place of work is the house where the repair is carried out; therefore, there is a duty for rented properties to comply with this legislation.

2.4.4 The requirements placed upon the owners or persons responsible for the maintenance of buildings therefore confers the following duties:

- Identify asbestos in property and assess its condition
- A presumption must be made that materials contain asbestos unless there is evidence that they do not
- Maintain a record of the type, location and condition of ACMS or presumed ACMs in the premises
- Assess the risk that these materials pose
- Plan how that risk will be managed
- Outline steps for putting that plan into action
- Have a review and monitoring process for the plan
- Provide information on the location and risk factor to people likely to be affected by its presence (i.e. workers who may disturb the asbestos during maintenance works).

The above information will be identified following asbestos surveys and sampling where required, carried out by a specialist contractor.

Section 3: Overarching Objectives and Implementation

This section outlines our overarching objectives, and how we will implement these.

3.1 Overarching Objectives

3.1.1 Our primary aim is to ensure the health, safety and wellbeing of all persons in our properties that may have ACM. We aim to protect the health, safety and welfare of our tenants, owner occupiers, visitors, staff, contractors and the general public, as far as is reasonably practical. In order to achieve our primary aim, we have the following objectives:

- ensure compliance with all current legislation when dealing with asbestos;
- take all reasonable steps to identify asbestos that is present in our properties and establish effective systems to subsequently manage any associated risks;
- provide relevant information pertaining to asbestos safety and ensure that dialogue is maintained with customers;
- work pro-actively in conjunction with contractors;
- provide staff with appropriate training to ensure the effective implementation of the Policy; and
- organise the safe removal of any ACMs in the Association's properties that pose a serious risk to health in line with legislation.

3.2 Implementation

3.2.1 Asbestos Register

The Association has an established Asbestos Register that is monitored and updated regularly as and when further information on asbestos content within properties becomes known. The Association will require a "clean" certificate prior to updating the Register.

Surveys will be undertaken, on a sampling basis of 5% of our properties per year, within common areas such as communal stairs and roof spaces and any other areas identified as perhaps containing asbestos.

It is reasonable to assume that as the Association's older stock was built largely at the same time that asbestos products were used that asbestos may be present in some of this stock.

3.2.2 Surveys

There are 2 types of surveys recommended by the HSE. These are as follows:

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 will often involve minor intrusive work and some disturbance. The extent will vary between premises and depend on what is reasonably practicable for individual properties, i.e. it will depend on factors such as the type of building, nature of construction and accessibility etc.

Management surveys can involve a combination of sampling to confirm asbestos is present or presuming asbestos to be present.

Samples from each of the suspect ACM found are collected and analysed to confirm or refute the surveyor's judgement. If the material sampled is found to contain asbestos, other similar homogeneous materials used in the same way in the building can be strongly presumed to contain asbestos.

Refurbishment and Demolition Survey

This type of survey is used to locate and describe, as far as reasonably practicable, all ACMs in the building and may involve disruptive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach. A full sampling programme is undertaken to identify possible ACMs and estimates of the volume and surface area of ACMs made. The survey is designed to be used as a basis for tendering the removal of ACMs from the building prior to demolition or major refurbishment so the survey does not assess the condition of the asbestos, other than to note areas of damage or where additional asbestos debris may be expected to be present.

Surveys must be undertaken by suitably qualified personnel and must be undertaken in accordance with guidance HSG 264 Asbestos: The Survey Guide Sampling and Assessment of Asbestos-containing Materials issued by the Health and Safety Executive.

Prior to any survey taking place, the Association will provide as much information as possible on the properties to ensure that the surveyor is fully briefed on the property and the risks that exist.

The Association will ensure that surveys are undertaken to a representative sample of properties throughout its stock and phases. The extent of sampling will take account of recommended guidance current at the time.

Where the Association plans to undertake major repair or refurbishment work, the Asbestos Register must be assessed to identify if sufficient information exists; to establish if properties are asbestos free and no or minimal risk will be involved in the planned activity. Where insufficient evidence is available, surveys will be carried out prior to works proceeding. The Register will be subsequently updated and passed to the contractor prior to works commencing.

3.2.3 Asbestos Recording and Treatment

Where asbestos is found within buildings or presumed to arise within buildings, its location and condition must be recorded within the Register and its condition monitored on an ongoing basis.

During void property inspections, the member of the Asset Team carrying out the inspection will record on the void walk-in sheet if any asbestos containing materials are suspected of being present.

In order to ensure the safety of workmen and residents, the following factors must be recorded and investigated:

- Information gathered on the type, location, amount and condition of the ACM
- An assessment made on the position of the ACM and its likelihood to be disturbed
- How much ACM is present
- Whether there is easy access to the ACM
- Whether people work near the ACM in a way that is liable to disturb it
- If it is close to areas in which people normally work when it is disturbed
- The number of people who use the area where the ACM is located
- If maintenance work, refurbishment or other work on the premises is likely to be carried out, where the ACM is located

All of the above points will be confirmed by the approved surveyor/contractor. The responsibility for the action taken to minimise risk from asbestos is that of the Association; however, advice will be sought from appropriately qualified personnel to ensure that appropriate action is taken. A checklist prepared by the Health and Safety Executive is contained in Appendix 2.

The following will be taken into account as issued by the HSE for guidance only:

- **Asbestos in good condition; and**

- Not likely to be damaged; and
- Not likely to be worked on or disturbed;

Will be left in place with the condition monitored and managed to ensure any ACMs are not disturbed.

- **Asbestos in poor condition; or**

- Is likely to be damaged; or
- Is likely to be disturbed

Need to decide whether it should be repaired, sealed, enclosed or removed. Specialist advice on action will be followed.

Where it is decided to leave asbestos in place and manage the situation, the details will be logged in the Register. Where asbestos is known to be present, and does not require removal, a 'flag' will be put on Capita in the interests of health and safety. Whenever work is undertaken in the area, operatives must be informed of the presence of asbestos and a risk assessment of their activities undertaken. If possible, the asbestos material will be labelled for identification purposes. The condition of the material will be monitored at regular intervals and its condition noted on the Register. Tenants/owners will be advised in writing of any future, positive asbestos samples. Contractors should provide Risk Assessments prior to any removal works taking place.

If deterioration is noted, a reassessment of the situation will be made, and appropriate action taken and recorded. Where it is decided that asbestos must be repaired, this will be recorded on the Register noting the appropriate action and date of action. All work to asbestos will be

undertaken under strict health and safety guidelines and will only be carried out by operatives who are properly licensed and trained to undertake the work.

Where asbestos must be removed, this should also be recorded on the Register. All removal work will be undertaken under strict health and safety guidelines; again, only by operatives who are licensed and trained. The Association will expect any licensed contractor, acting on its behalf, to ensure that all asbestos material is disposed of in the appropriate manner, adhering to health and safety guidelines. The Association will insist that a removal certificate is received, and a copy recorded within the register.

Where workers or contractors are working in areas where asbestos is located, they will be informed of its presence. The Association will request that the licensed contractors, responsible for removing the asbestos, ensure that the following precautions are taken:

- Provide a risk/method statement prior to carrying out any works;
- Keep everyone out of the area who does not need to be there;
- Take care not to create dust;
- Keep the material wet, whenever possible;
- Wear a suitable respirator and protective clothing; and
- Clean up with a vacuum cleaner, which complies with BS 5415 (Type 'H').

The Association will stipulate within the contract that licensed contractors, responsible for removing the asbestos ensure that they **do not**:

- Break up large pieces of asbestos materials
- Use high speed power tools as they create high levels of dust
- Expose other workers who are not protected
- Take protective clothing home to wash

The HSE publish guidance on working safely with asbestos; **Asbestos Essentials Task Manual (HSG210), Fourth Edition**. Contractors will be referred this manual.

Section 4: Compliance and Complaints

4.1 Monitoring and Review of Register and Plan

- 4.1.1 The Association will undertake a regular monitor and review of both the Register and Plan, by the Asset Manager, to ensure that the actions taken to protect the public and operatives from the risks posed by asbestos are appropriate.
- 4.1.2 The Register will be updated on an ongoing basis as identification is made or areas are deemed to be clear of asbestos. Work undertaken near or around areas containing asbestos will also be recorded. The Register is available on the LHA “H Drive” and is available as read only by all staff.
- 4.1.3 The Register and Plan will be reviewed annually to ensure that appropriate action is being taken.
- 4.1.4 The Association will ensure that members of the Asset Management Team attend training on the management of asbestos at regular intervals, to ensure that the Association is kept abreast of any new legislation and guidance.

Section 5: Review of Asbestos Treatment and Recording Policy

- 5.1 This policy will be reviewed every 3 years (or sooner to comply with any new legislation) to ensure that the appropriate amendments are made. All staff and relevant third parties will be informed of any changes. Continuously subjecting our Policy to review will ensure that its effectiveness is maintained, and that feedback can be acted upon in a reasonable time frame.

APPENDIX 1: EQUALITY IMPACT ASSESSMENT

TITLE OF POLICY:	Asbestos Treatment and Recording Policy
Strategic Outcome:	To ensure tenants, staff and contractor safety by acting as a responsible landlord and employer in terms of asbestos regulations.
What is the purpose of the proposed Policy?	The purpose of the Asbestos and Recording Policy is to implement effective systems and procedures to ensure tenants, staff and contractors are not exposed to ACMs unnecessarily
Protected Characteristic Groups affected by the Policy	N/A
Who is the target audience of this policy or who is intended to benefit from the proposed policy and how? (ie. employees, service users, management committee etc.)	Safety and well being of all LHA tenants, staff and contractors working on behalf of the Association.
List any existing documents, evidence, research which have been used to inform the EIA (this must include relevant data used in this assessment)	Asbestos Register, Asbestos Reports.
Has any consultation involvement been undertaken with the Protected Characteristic Groups to inform this assessment? (please provide details of who and how consulted)	N/A
What is the actual likely impact?	The policy will raise tenants, staff and contractor awareness of any areas where it is thought or suspected that ACMs may be present.
How have you, or will you, put the Policy into practice, and who is or will be responsible for delivering it?	The CEO has overall responsibility for the implementation of this policy. As with other policies, following approval from the Management Committee, the policy will be distributed to all staff and discussed at team meetings.
How does the Policy fit into our wider or related policy initiatives?	The policy supports our mission to deliver high quality and cost-effective housing services designed to meet the needs of existing and future customers, whilst the safety and well-being of our tenants, staff and contractors are paramount.
Do you have a set budget for this work?	Yes. Allowance is set aside with the AM budget for future asbestos reports and removal, as and when required.

APPENDIX 2: CHECKLIST

ASBESTOS CHECKLIST

- **Find** You must check if materials containing asbestos are present
- **Condition** You must check what condition the material is in
- **Presume** You must assume the material contains asbestos unless there is strong evidence that it does not
- **Identify** If you are planning to have maintenance or refurbishment of the building carried out or the material is in poor condition, you may wish to arrange for the material to be sampled and identified by a specialist
- **Record** Record the type, location and condition of the material on a plan and update the Asbestos Register
- **Assess** You must decide if the condition or the location means the material is likely to be disturbed
- **Plan** Prepare and implement a plan to manage these risks

Minor damage	Good Condition
<input type="checkbox"/> The material will be repaired and/or encapsulated <input type="checkbox"/> The condition of the material will be monitored at regular intervals. Where practical, the material will be labelled <input type="checkbox"/> Inform the contractor and any other worker likely to work on or disturb the material	<input type="checkbox"/> The condition of the material will be monitored at regular intervals <input type="checkbox"/> Where practical the material will be labelled <input type="checkbox"/> Inform the contractor and any other worker likely to work on or disturb the material
Poor Condition	Asbestos disturbed
<input type="checkbox"/> Asbestos in poor condition will be removed	<input type="checkbox"/> Asbestos likely to be disturbed will be removed