



Asbestos Management Policy

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

Our Vision, Our Mission, Our Values

Our Vision

Elderpark Housing will lead the way in delivering outstanding customer services and great places to live.

Our Mission

To provide quality, affordable homes and excellent services which place a focus on our customers and enhancing our communities.

Our Values



Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy.

We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

Executive Summary

Policy Author

This Policy has been developed by the Director of Maintenance Services who has responsibility for the effective implementation and timely review of the Policy.

Purpose of the Policy

Elderpark Housing has a duty of care to ensure that it manages any asbestos containing materials (ACM's) located within its non-domestic properties and communal areas. This responsibility includes how we share data relating to ACM's with its contractors, staff, tenants and others who may be affected by any ACM's being disturbed.

The purpose of this policy is to set out how Elderpark Housing will ensure any ACM's are correctly maintained and periodically examined in line with current legislation.

Aims and Objectives of the Policy

The overall aim of the policy is to ensure that Control of Asbestos Regulations (CAR) 2012 are implemented to ensure that the health, safety and wellbeing of all people in non-domestic properties and communal areas owned and maintained by The Association which may have ACM's within the fabric of the property.

The purpose of this policy and associated asbestos management plan is to effectively manage all ACM's across the property portfolio and to reduce the asbestos related risks to as low a level as is reasonably practicable.

Legislative and Regulatory Compliance

This Policy sets out Elderpark HA's responsibilities to comply with the relevant legislation and associated regulatory guidance on the Duty to manage and control ACM's in its non-domestic properties and communal areas. The principal legislation in this area is as follows:

Health and Safety at Work Act etc. 1974

Control of Asbestos Regulations 2012.

L143 Approved Code of Practice and guidance - Managing and working with asbestos

Management of Health and Safety at Work Regulations 1999

Construction Design and Management Regulations (2015)

Reporting of Injuries, Diseases or Dangerous Occurrences (RIDDOR) 2013

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Asbestos: The survey guide (HSG264)

HSG248 (Second edition)- Asbestos: The Analysts' Guide

The Scottish Housing Regulators (SHR) Regulatory Framework sets out what Landlords must do to ensure that they meet all of their legal duties and responsibilities and that they adhere to relevant guidance and the requirement of other regulators. SHR requirement relating to

Annual Assurance and legal obligations are relevant to this policy and set out in chapter 3 of the framework:

‘There is a requirement to notify the SHR of any tenant and resident matters which have been reported to, or are being investigated by the health and Safety Executive, or reports from regulatory or statutory authorities, or insurance providers, relating to safety concerns.’

‘Notify us (SHR) of any tenant and resident matters which have been reported to, or are being investigated by the Health & Safety Executive or reports from regulatory or statutory authorities, or insurance providers, relating to safety concerns.’

Equalities

An Equalities Impact Assessment has been carried out and attached to this Policy. This has identified that as this policy relates to properties and not tenants and/or other residents within the communal areas of a tenement or other non-domestic area, i.e. the community centre. As such it is deemed to not have any equalities impact. The policy aims to mitigate risks to its tenants, staff, contractors and the general public from the hazards that asbestos pose if disturbed or in a friable state.

Privacy

Record keeping for the purposes of this policy relate to the contracts that are in place and servicing / thorough examination's records which are carried out. All data will be held in line with GDPR requirements. This Policy is written to be open and transparent in line with FOISA. A GDPR Impact Assessment has been carried out and attached to this Policy.

Related Policies

| Policy Title | Location |
|---------------------------------------|---|
| Asset Management Policy | To be reviewed 2021 |
| Planned & Cyclical maintenance policy | V:\Elderpark_Policy_Suite\Maintenance Policies\M3_Planned_and_Cyclical_Maintenance_Policy.pdf |
| Reactive Maintenance Policy | V:\Elderpark_Policy_Suite\Maintenance Policies\M4_Reactive_Maintenance_Policy.pdf |
| Privacy policy | V:\Elderpark_Policy_Suite\IT_Policies\IT1_Privacy_Policy.pdf |
| Freedom of Information Policy | V:\Elderpark_Policy_Suite\Governance Policies\G29_FOI_and_EI_Policy.pdf |

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1 Introduction

- 1.1 Elderpark Housing was established in 1975 and currently owns approximately 1340 homes with the majority being in Central Govan although we also have a number of properties within the areas of Ibrox, Kinning Park and Cessnock.

In addition to being a landlord we provide a factoring service to approximately 250 owners. The vast majority of our homes are tenement flats which account for over 80% of the stock the Association provides for rent. Around 1,000 of our stock contain common areas and were built pre-2000 and therefore, fall within the scope of duty to manage Asbestos.

The Association is a “not for profit” organisation, registered and regulated by the Scottish Housing Regulator and is governed by a voluntary Management Committee of up to 15 people and currently employ around 25 staff. Furthermore we are a registered Charity under the Rules of the Co-operative and Community Benefit Societies Act 2014.

- 1.2 The common areas within our tenement blocks may have asbestos containing materials (ACM's) present, which were originally used as a fire-retardant material.
- 1.3 Asbestos is the collective name given to a group of fibrous materials that are flexible, mechanically strong and resistant to stretching, heat and chemicals. It has been used in various building products and materials for some considerable time but was more commonly used in building construction in the periods between 1950 and 1980.
- 1.4 To help manage the risks from asbestos, an effective asbestos management policy and associated plan has been developed to manage the risks to tenants, residents, contractors and staff.
- 1.5 The presence of Asbestos Containing Materials (ACMs) does not in itself represent a danger. However, asbestos is hazardous when damaged or disturbed and must be treated accordingly. Activities which give rise to airborne dusts e.g. breaking, sawing, cutting, and drilling asbestos containing materials are the most likely to present risks.

2 Policy aims and objectives

- 2.1 This document sets out our policy on how the Association intends to implement the tasks of the duty holder in relation to managing Asbestos Containing Materials (ACM's) in our non-domestic properties and communal areas as part of our responsibilities for asbestos management areas as set out in the Control of Asbestos Regulations 2012.
- 2.2 The purpose of this policy and management plan is to effectively set out how the Association will manage all ACM's across the property portfolio and to reduce the asbestos related risks to as low a level as is reasonably practicable. It also seeks to

ensure all asbestos works are scoped, serviced and managed in accordance with legal requirements and best practice.

- 2.3 The overall aim of the policy is to ensure that Control of Asbestos (CAR) 2012 is implemented to ensure that the health, safety and wellbeing of all people in non-domestic properties and communal areas owned and maintained by The Association which may have ACM's within the fabric of the property. This includes the fabric of any common areas of multi-tenure buildings managed by The Association, as well as shops and all offices the Association owns. We aim to protect the occupants and visitors to our properties including staff and contractors as far as is reasonably practicable.
- 2.4 An Asbestos Management Plan accompanies this policy which sets out how we intend to manage the ACM's in our non-domestic and communal areas and will be reviewed annually

3 Equal Opportunities

- 3.1 We will not unfairly discriminate against any person within the protected characteristic groups as contained within the Equality Act 2010. To ensure equal access to the information contained in this policy for all, we are happy to provide copies in Braille, in larger print, translated into other languages or on tape to you or anybody that you know upon request and where practicable.
- 3.2 The Association through the Asbestos Policy and Management Plan, will act to provide services in a manner that encourages equal opportunities and complies with all relevant equal opportunities requirements.
- 3.3 As with all Association policies and practices, the Association will adhere to Outcome 1 of the Scottish Social Housing Charter (Equalities):
'Social Landlords perform in all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services'.

4 Legal and Good Practice Framework

- 4.1 The Asbestos Policy and Management Plan intends to meet relevant legislative and good practice requirements, which includes:

The Scottish Social Housing Charter which sets the standards and outcomes that tenants and other customers who use our services can expect. The first charter came into effect on the 1st April 2012 and was reviewed during 2016. The revised charter was approved by Parliament and has been in effect since the 1st April 2017.

The relevant Outcomes associated to this policy are:

- Outcome 1 (Equalities) as section 3.0 (Equal Opportunities) in this policy
- Outcome 2 (Communication): 'Tenants and other customers find it easy to

communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides’.

5 Policy Context

- 5.1 Asbestos is the single greatest cause of work-related deaths in the UK. Elderpark Housing is committed to achieving the highest possible standards in safety, services, accommodation and customer care that we can provide to our customers.
- 5.2 Regulations controlling asbestos materials have evolved from regulations concerning the manufacturing and processing of asbestos into regulations related to the control of the material.
- 5.3 Under current regulations The Association is required to have a robust Asbestos Policy and Management Plan to ensure everyone who either works for or on behalf of the Association, or who may use any facility provided by the Association, is not exposed to asbestos materials in a condition which may expose them to asbestos fibres.
- 5.4 The Association is committed to conducting our business in a way that protects the health, safety and welfare of its employees, tenants, other residents of Elderpark Housing, contractors and visitors.

It recognises it’s responsibility to prevent exposure to the hazards associated with asbestos containing materials (ACMs). Consistent with this, we will:

- Ensure that all ACMs are effectively managed and associated risks reduced to as low as reasonably practicable.
- Develop and implement an effective, robust and efficient Asbestos Management Plan so that appropriate measures such as monitoring, labelling, encapsulation, inspection or removal of ACMs is undertaken.
- Maintain an up to date Asbestos Register.
- Promote awareness of the hazards associated with ACMs, the contents of this Asbestos Policy and the associated Asbestos Management Plan.
- Freely provide information on ACMs to appropriate personnel and third parties, including tenants and residents.
- Review this Asbestos Policy and Asbestos Management Plan annually or if legislation or circumstances change.
- Have an alert and notification process within our work orders notifying contractors to assess our Asbestos Register, and how they can access information relevant to the work they are undertaking, if and when required.
- Implement an effective management plan and ensure all persons who are required to disturb, repair or remove asbestos are competent and/or licensed.

6 Legislation and Regulation of Asbestos

6.1 Control of Asbestos Regulations 2012 (CAR)

These regulations update previous legislative duties relating to the management of asbestos. Whilst the association does not carry out its own works with asbestos, feels it is important to undertake the different requirements;

6.2 Some non-licensed work needs to be notified to the relevant enforcing authority, written records should be kept of notified non-licensed work.

6.3 A category of Notifiable Non-Licensed Work (NNLW) gives a three tier system:

- Licensed Work: High risk, high fibre release e.g. removing loose insulation
- Non-Licensed Work: Low risk, low fibre release e.g. cleaning up small quantities of loose/ fine debris containing ACM dust
- New category (NNLW): Medium risk e.g. minor, short duration
- work to remove asbestos insulating board as part of a refurbishment project

The definitions to these categories are contained in HSE Guidance relating specifically to the Control of Asbestos Regulations 2012.

6.4 Asbestos: The survey guide (HSG264) deals with the specific responsibilities for managing the risks from asbestos in non-domestic properties under the Control of Asbestos Regulations 2012.

6.5 These regulations place responsibilities on Duty Holders, responsible persons, Asbestos Co-ordinators, independent asbestos consultants and those who commission surveys, in Elder park's case this qualifies us as landlords and Factors. The requirements placed on the duty holders are to ensure that:

- All reasonable steps are taken to determine the location of materials likely to contain asbestos.
- All suspicious materials are presumed to contain asbestos, unless there are good reasons not to do so
- A written record of the ACM's is made and maintained
- The condition of the ACM is assessed and monitored annually
- The risk of exposure from ACM's is assessed and necessary measures to manage the risk implemented
- All necessary steps are taken to see that the actions are carried out.

6.6 The Association (as duty holder) must manage the risk in the following ways:

- Keep and maintain an up to date record of the location, condition, maintenance and removal of all the ACMs on the premises and communal areas;
- Repair, encapsulate or remove ACMs if there is a risk of exposure due to their condition or location;
- Maintain ACMs in a good state of repair and regularly monitor their condition;

- Have arrangements in place so that work which may disturb ACMs complies with the Control of Asbestos Regulations 2012;
- Review the plan at regular intervals and make changes if circumstances change.

6.7 Health and Safety at Work Act etc. 1974

Under this Act, employers must conduct their work so their employees will not be exposed to health and safety risks. Employers must also provide information to other people about their workplace which might affect their health and safety. Thus, there is a requirement to pass information regarding asbestos to employees and contractors when working in our premises/properties. We shall also notify tenants of ACM's present within their homes.

6.8 Management of Health and Safety at Work Regulations 1999

These regulations require employers to assess health and safety risks to employees and third parties, such as residents who may be affected by our activities and make suitable arrangements to protect them. The regulations stipulate the need to:

- Carry out a suitable and sufficient assessment of the risks for all work activities
- Record the assessments
- Implement the necessary control measure
- Appoint competent persons
- Set up emergency procedures
- Provide information and training
- Work with others sharing the workplace

6.9 Construction Design and Management Regulations (2015)

These stipulate that arrangements should be in place to deal with asbestos during construction, refurbishment and demolition. These arrangements must be site specific and available prior to work commencing.

6.10 Reporting of Injuries, Diseases or Dangerous Occurrences (RIDDOR) 2013

All employees and contractors of Elderpark Housing are duty bound to report an uncontrolled release to the Health & Safety Executive of a substance that could be harmful to people under the requirements covered by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

7 Asbestos Surveying and Asbestos removal contractors

- 7.1 Only those contractors registered with and licensed by the HSE, and approved by the board of the HSE, will be permitted to carry out Asbestos removal works in the Association's non-domestic properties or communal areas managed by The Association during reactive, cyclical and programmed works.

Whilst there is no legal requirement for asbestos surveyors to be accredited, HSE strongly recommends using surveyors accredited to standard BS EN ISO/IEC 17020. In GB the only accreditation recognised by the HSE is that provided by the United Kingdom Accreditation Service (UKAS); Elderpark Housing Association adopts this recommendation and will only use UKAS accredited organisations to carry out surveying.

- 7.2 No staff of The Association will be permitted to handle or carry out works on ACM's

8 Information and instruction

- 8.1 Regulation 10 of the CAR requires that: "...every employer shall ensure that adequate information, instruction and training is given to those of his employees who are or are liable to be exposed to asbestos, or who supervise such employees and [those] who carry out work in connection with the employer's duties."

- 8.2 Asbestos awareness training will be given to all the Association's staff who might inadvertently come into contact with asbestos materials in their day to day work, or who supervise such work.

- 8.3 The Association will make arrangements to ensure the following:

- Any relevant risk assessments, method statements and statutory notices are in place before works commence
- Copies of all test certificates, surveys and evidence of correct waste disposal are received and stored within the Asbestos Management Database
- Any maintenance/refurbishment - contractors are adequately informed and instructed regarding the identification, management and risk from exposure to ACMs and that the contractor's operatives have received Asbestos awareness training
- All tenants/residents are adequately informed and instructed regarding the identification, management and risk from exposure to ACM's
- So far as is reasonably practicable, other people who are not employees but who may be at risk from the danger of exposure to ACMs also receive adequate information and instruction.

9 Tenant Improvements

- 9.1 Prior to a tenant carrying out an improvement within a property owned by The Association which may interfere with the fabric and/or services of the property, tenants will be required to seek advance permission before beginning works.

- 9.2 Before issuing permission, the asbestos register will be consulted. Where ACM's are identified within the proposed work area the Maintenance Officer/Inspector will liaise with the tenant to ensure all appropriate actions are taken.

- Where the asbestos data is inconclusive, The Association will review the request and decide whether to refuse permission or to arrange for a survey to be carried out.

- In the event the tenant's works are liable to disturb ACM's, the Association will make a decision on the appropriate course of action, ensuring all asbestos works are subject to the policy and management plan and appropriate legislative guidance
- Permission may be refused should the proposed works result in the removal of ACM's being required where previously they were maintained by monitoring the condition of the material. Related costs to carry out this work and potential exposure to the release of asbestos fibres will be considered in the review of the request.

10 Confidentiality, General Data protection Regulations (GDPR) and Freedom of Information (FOI)

- 10.1 The Association is fully committed to compliance with the requirements of the General Data Protection Regulations (EU) 2016/679 (GDPR), which came into force on 25 May 2018. The Association will therefore follow procedures that aims to ensure that all employees, Committee members, contractors, agents, consultants, partners or other persons involved in the work of the Association and who have access to any personal data held by or on behalf of the Association, are fully aware of and abide by their duties and responsibilities under GDPR.
- 10.2 Elderpark Housing is classed as a Scottish Public Authority under the Freedom of Information (Scotland) Act 2002 (FOISA). This act places a duty on Scottish Public Authorities to allow the public access to information they hold. This Policy has been written to ensure openness and transparency in line with this legislation and will be published on our website and available in other formats upon request. Information in relation to records held can also be made available upon request where the request meets the criteria set out in the legislation. Any such request should be made in line with our Freedom of Information and Environmental Policy.

11 Complaints

- 11.1 Complaints regarding this policy or its implementation will be handled under our Complaints Handling Policy and Procedure which can be found on our website or from our offices.

12 Monitor and Review

- 12.1 All Asbestos Containing Materials (ACM's) within our non-domestic, communal and domestic properties shall be held in the associations Asbestos risk register.
- 12.2 The register shall differentiate those properties that fall under the Duty to manage asbestos and those within domestic properties.
- 12.3 The implementation of this policy, frequent compliance reports and any incidents will be reported to and monitored by the Elderpark's Housing Management Committee.

- 12.4 A Key Performance Indicator (KPI) report shall be presented to the Elderpark Housing management Committee providing the following;
- Performance relating to ensuring that all non-domestic properties and communal areas have been identified and receive an asbestos survey.
 - Performance relating to carrying out re-inspections to record the condition of the ACM's or where any encapsulation has been completed that it's still intact
 - Reports of any asbestos related incidents that has occurred.
- 12.5 The Policy will be reviewed every 3 years or as required due to any changes in legislation.

Appendix 1 Equality Impact Assessment

| | | | |
|--|--|--|---------------------------|
| Name of Policy to be assessed | Asbestos Management Policy | New policy or revision of existing? | Revision |
| Person(s) responsible for assessment | | David Adam | |
| 1. Briefly describe the aims, objectives and purpose of the policy. | The purpose of this policy is to set out how Elderpark Housing will manage Asbestos containing materials ACM's) in their non-domestic and communal areas within its stock. This policy aims to mitigate so far as is reasonably practicable the risks associated with disturbing asbestos or fibres being released as a result of deterioration. The objective is to highlight how the asbestos is going to be managed by the Duty holder and nominated Asbestos Co-ordinator. | | |
| 2. Who is intended to benefit from the policy? (e.g. applicants, tenants, staff, contractors) | All staff, tenants and the general public who may be in the vicinity of the containing ACM's and our contractors who may be carrying out work near the ACM and may disturb or damage the ACM. | | |
| 3. What outcomes are wanted from this policy? (e.g. the measurable changes or benefits to members/ tenants / staff) | To ensure that asbestos is managed and that through regular re-inspections continues to be managed thus mitigating the risks to staff, tenants contractors and the general public. | | |
| 4. Which groups could be affected by the policy? (note all that apply) | | | |
| Age | | Disability | |
| Gender reassignment | | Marriage and Civil Partnership | |
| Pregnancy and Maternity | | Race | |
| Religion or Belief | | Sex | |
| Sexual Orientation | | | |
| 5. If the policy is not relevant to any of the equality groups listed above, state why and end the process here. | | | |
| This policy is a general health and safety policy and none of the equality groups listed above are affected by this policy | | | |
| 6. Have those affected by the policy / decision been involved? | | | |
| | | | |
| 7. Describe the likely positive or negative impact(s) that the policy could have on the groups identified above. | Positive Impact(s) | | Negative Impact(s) |
| | | | |
| 8. What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts) | | | |
| Signed: | David Adam | | |
| Dated: | 21/6/2021 | | |

Appendix 2 GDPR Impact Assessment

| | | | |
|---|--|--|--------|
| Name of Policy to be assessed | Asbestos Management Policy | New policy or revision of existing? | Review |
| Person(s) responsible for assessment | | David Adam | |
| Briefly describe the aims, objectives and purpose of the policy. | The purpose of this policy is to set out how Elderpark Housing will manage Asbestos containing materials ACM's) in their non-domestic and communal areas within its stock. This policy aims to mitigate so far as is reasonably practicable the risks associated with disturbing asbestos or fibres being released as a result of deterioration. The objective is to highlight how the asbestos is going to be managed by the Duty holder and nominated Asbestos Co-ordinator. | | |
| Which type of data will be used by implementation of this policy? (e.g. personal, sensitive or special category) | Only data relating to the addresses of non-domestic properties and communal areas where survey works are being carried out. Data relating to the addresses of properties receiving surveys prior to repairs and planned works being carried out. | | |
| What outcomes are wanted from this policy? (e.g. necessary to meet legal obligations) | This policy is written in line with our privacy policy and GDPR legislation to ensure compliance with GDPR / FOISA. | | |
| Which groups could be affected by the policy? (note all that apply) | | | |
| Tenants | | Committee | |
| Employees | | Contractors | |
| If the policy is not relevant to any of the data groups listed above, state why and end the process here. | | | |
| | | | |
| Have those affected by the policy / decision been involved? | | | |
| Contracts are in place between Elderpark and those involved in implementing this policy. This does not relate to any personal data. | | | |
| Describe the likely positive or negative impact(s) that the policy could have on the groups identified above. | Positive Impact(s) | Negative Impact(s) | |
| | | | |
| What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts) | | | |
| Signed: | | <i>David Adam</i> | |
| Dated: | | 21/6/2021 | |