



Asbestos Management Policy

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Stakeholder Consultation Completed (check as needed)			

Version Control

Date	Owner	Version	Reason for Change
Aug 2024	Victoria Hennessy	1.0	New Policy to support existing procedure AM 01i Asbestos Management Plan and Procedure

Summary of Changes

Section	Change
All	New policy required, from compliance audit carried out in October 2023.



Asbestos Management Policy

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1.0 Ark Values

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships, and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

2.0 Purpose

The purpose of this policy, the Asbestos Management Plan (AMP) and the Control of Asbestos Procedure AM 05i is to outline the statutory duties applicable to Ark Housing Association (Ark HA), as an employer, landlord and registered provider of social housing in relation to the management of asbestos within properties owned and managed by Ark Housing. The policy will identify key roles within the business to ensure we fulfil our statutory obligations.

This policy outlines Ark HA's statutory duties relating to managing asbestos and the arrangements we will have in place to ensure we meet the legal requirements. This policy and the supporting procedure has been developed, to ensure we have suitable arrangements in place to identify Asbestos Containing Materials (ACM's) and manage the risk of disturbing them and how we will share information we have on ACM's within our buildings, in particular; the need to continuously maintain a current and accurate register of asbestos containing

materials so that we can minimise the risk of disturbance and protect customers and others within our buildings.

3.0 Policy Statement

This policy, the supporting Asbestos Management Plan (AMP – a document we have in place which is prescribed by the HSE) and The Control of Asbestos Procedure (AM 05i), describes how Ark will meet all applicable legislation and regulations associated with our statutory responsibilities for asbestos management and how we will implement suitable arrangements to ensure we comply and remain compliant.

Most homes owned or managed by Ark Housing Association (Ark HA) which were built before the year 2000, could have asbestos containing materials used as part of their construction. ACM's if not adequately maintained and if disturbed, can pose significant health risks to our customers and others. Ark HA acknowledges the importance of having a robust Policy and Procedure in place to manage asbestos safely to ensure the health and safety of all its customers, employees, and other stakeholders and to comply with asbestos management legislation.

Asbestos contained within materials in both domestic and communal areas of our buildings, can pose significant health risks to our customers and those who visit our buildings. Health and Safety legislation sets out specific duties for landlords and employers to ensure, as far as is reasonably practicable the health, safety and wellbeing of its employees, and others (e.g. contractors' staff and members of the public).

The main risks associated with not maintaining, monitoring, and managing materials containing asbestos, are when the materials are disturbed and fibres are released, which if inhaled can cause severe long term health effects such as:

- Pleural disease. Pleural plaques and pleural thickening are non-cancerous conditions affecting the outer lining of the lungs (the pleura).
- Mesothelioma.
- Asbestosis.
- Lung cancer.

As a precaution to this risk, Ark HA will survey all non-domestic areas to locate ACM's, survey domestic properties where penetrative works could disturb asbestos, manage a live database of all asbestos information for Ark, share the information with customers and others for awareness and deal with disturbances of ACM's efficiently

4.0 Scope

This Policy, the AMP and the procedure applies to all properties built before the year 2000 which could contain asbestos. It is unlikely that Ark buildings constructed after the year 2000 contain asbestos as it was banned in the years leading up to the year 2000 within the use of construction materials. This policy includes all properties owned or managed by Ark Housing which could contain ACM's, including our offices.

The policy, the AMP and the procedure apply to all employees of Ark, the Board of Management and to all people using and/or visiting our properties e.g. visitors, relief employees, agency staff, contractors, supported people and members of the public.

This policy, the AMP and the procedure apply to all buildings which are owned or managed by Ark HA. We will ensure we are clear on our responsibilities for all buildings where we are not the freeholder, for example we lease a building wholly or in part.

If we carry out work to a property and any building built or part of the building built prior to the year 2000, this policy, the AMP and the supporting procedure applies.

This policy includes all work streams associated with asbestos - asbestos surveying, re-inspections, asbestos removal (all types), attending disturbed asbestos, emergency measures, air testing and sampling in all properties where we are the landlord. This includes properties added to our stock because of building new homes or individual/multiple properties acquired by us.

5.0 Legal / Framework Regulatory

The Scottish Housing Regulator (SHR) statutory objective (Regulatory Framework 3.5 Landlords must ensure that they meet their legal duties and responsibilities and that they adhere to relevant guidance and the requirements of other regulators) is to safeguard and promote the interests of current and future tenants, people who are homeless, factored owners and Gypsy/Travellers. They monitor, assess, report, and intervene (as appropriate) in relation to social landlords' performance of housing activities and RSLs' financial well-being and standards of governance. SHR also provides advice on their website to landlords in respect of the management of asbestos and tenant and resident safety, it sets out some key factors registered providers should have in place to manage asbestos, this policy and supporting procedure will set out how we will comply. The regulator requires social landlords to complete an annual return of the charter (ARC) detailing performance as well as an annual assurance statement.

Legislation, Regulations, ACoP's, Standards and Guidance: The principal legislation relating to asbestos management, is the **Health and Safety at Work (etc) Act 1974 (HASAWA)** – Sections 2 of the act places a duty on every employer to ensure, so far as is reasonably practicable, the health, safety, and welfare at work of all their employees. Section 3 of the act places a duty on every employer to ensure, as far as is reasonably practicable, that persons not in their employment who may be affected are not exposed to risks to their health or safety – This would be anyone visiting the building for example visitors, contractors, or members of the public.

The Management of Health and Safety at Work Regulations 1999 section 3, sets out the duty for every employer to make a suitable and sufficient risk assessment of the risks to health and safety of all their employees whilst at work and other people not in their employment.

The Construction (Design and Management) Regulations 2015 (CDM) sets out to ensure that all construction work is carefully planned, so that risks are managed from start to finish. It sets out the importance of sharing pre-construction information such as asbestos surveys to ensure work can be carried out safely, and that people carrying out the work are competent.

The Control of Asbestos Regulations 2012 is the main regulation applicable to asbestos management and was made under HASAWA. It strengthens the protection given to those who might be exposed to asbestos fibres by setting clear health and safety requirements to ensure appropriate control measures are in place to prevent exposure to asbestos from work activities which could disturb asbestos containing materials. In particular; Regulation 4 '*The duty to assess and manage asbestos in non-domestic premises*' places a duty on Ark HA to manage asbestos in:

- all non-domestic buildings e.g. garage sites and commercial buildings
- the communal areas of domestic buildings including hallways, lift shafts, service ducts and roof spaces (this list is not exhaustive)

In addition, work activities with the potential to disturb the fabric of any building must have a suitable and sufficient asbestos assessment as required, to comply with The Control of Asbestos Regulations 2012; 'Regulation 5 Identification of the presence of asbestos'.

The Approved Code of Practice (ACOP) Managing and working with Asbestos (L143), supports the regulations and is published by the Health and Safety Executive which sets out

in more detail what duty holders are expected to do to comply with the legal requirements. Ark HA is a duty holder in relation to the Control of Asbestos Regulations 2012.

Other applicable legislation, regulations, standards, and guidance:

- L143; Managing and working with asbestos; Approved Code of Practice and guidance
- HSG210: Asbestos Essentials
- HSG247: Asbestos: The licensed contractors' guide
- HSG248: Asbestos: The analysts guide
- INDG 223 A Short Guide to Managing Asbestos in Premises
- HSG264 Asbestos: The survey guide
- The Housing Scotland Act 2006
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR 2013)
- The Workplace (Health, Safety and Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Environmental Protection Act 1990
- The Waste (Scotland) Regulations 2011
- The Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations, (Amendment) 1999
- Control of Asbestos Regulations 2012
- The Construction (Design and Management) Regulations 2015 (CDM 15)
- Environmental Protection Act 1990
- Special Waste Regulations 1996
- L143: Managing and working with asbestos (ACOP)
- INDG 223 Managing Asbestos in Buildings: A brief guide
- HSG264 Asbestos: The survey guide
- HSG248 Asbestos: The Analysts' Guide
- HSG227 A comprehensive guide to managing asbestos in premises

6.0 Responsibilities

6.1 Board of Management

Ark's Board of Management is responsible for consideration and approval of this policy, and for ensuring that its decisions are taken in accordance with relevant legislation, regulatory expectations, training, and guidance.

6.2 Executive Team

Ark's Executive Team is responsible for ensuring that this policy is reviewed in accordance with Ark's schedule for review of policies, or sooner if required. The Executive Team is

responsible for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training, and guidance.

6.3 Leadership Team

Ark's Leadership Team is responsible for review of the policy, and for ensuring that its decisions, and that the decision of officers, are taken in accordance with relevant legislation, regulatory expectations, training, and guidance.

6.4 Managers

Ark Managers will be responsible for the effective implementation of this policy and procedure within their area of responsibility. They must also ensure that each member of their staff, through induction, and team meetings, is made aware of this policy and participates in relevant training.

6.5 All Staff Associated with any Role Supporting This Policy

All Ark employees who play a role in ensuring any work instructed is carried out safely across Ark HA in line with this policy and procedure are required to familiarise themselves with this policy and procedure and comply with the content to manage asbestos safely and effectively.

6.6 Duty Holder

The Director of Development and Customer Experience will be responsible for ensuring there is suitable and sufficient resources in place to deliver the arrangements set out within this policy, the AMP, and the supporting procedure.

6.7 Responsible Person

The Asset and Compliance Manager will have the responsibility of management of the asbestos arrangements including the survey programmes, asbestos removal, database management, asbestos contractor management, and enabling other Ark staff, contractors, and customers to access relevant asbestos information.

6.8 Deputy Responsible Person

The Asset and Compliance and Contracts Officer will have the day-to-day operational

responsibility of asbestos management arrangements including the survey programmes, asbestos removal, database management, asbestos contractor management, and enabling other Ark staff, contractors, and customers to access relevant asbestos information.

7.0 Asbestos Management Compliance

Breaches of this policy and supporting procedure will be viewed seriously and will be investigated in accordance with Ark's Disciplinary Policy and Procedures. Non-compliance breaches not only Ark's Asbestos Management Policy but also the Health and Safety Policy and the Control of Asbestos Regulations.

8.0 Learning and Development

Staff responsible for Asbestos Management will have training appropriate to their needs and to the needs of the Association as outlined on staff individual training plans. Ark will ensure that relevant employees have an awareness of the policy and receive adequate training to enable them to effectively fulfil their roles and ensure safety of tenants.

9.0 Related Policies and Procedures

This policy should be read in conjunction with Ark's:

AM 05i Asbestos Management Plan and Procedure
AM 09 Contractor Management and CDM Compliance Policy
AM 09a Contractor Management and CDM Compliance Procedure
HS19 Your Home, My workplace.

10.0 Equality Impact Assessment (EIA)

An Equality Impact Assessment has been completed in relation to the development of this policy.

11.0 Data Protection Impact Assessment (DPIA)

No data protection implications have been identified in relation to the development of this policy, and consequently a DPIA has not been completed.

12.0 Monitoring and Review

12.1 Monitoring

Ark's Asset and Compliance Manager will monitor implementation of this policy on an ongoing basis, particularly in relation to ensuring delivery of Equalities Impact Assessments, and in relation to ensuring that relevant decisions within Ark are taken in line with the obligations and expectations set out in this policy.

12.2 Review

This policy will be reviewed within 3 years, in accordance with Ark's policy review framework.