

KNOWES HOUSING ASSOCIATION LTD	
Policy Name	Asbestos Management
Policy Category	Maintenance & Development
Policy Number	MDS12
Date to Committee	12 December 2023
Previous Review	October 2023
Next Review Date	December 2026
Links to other Policies	Repairs Policy (MDS05) Health & Safety Manual
Consultation	Internal

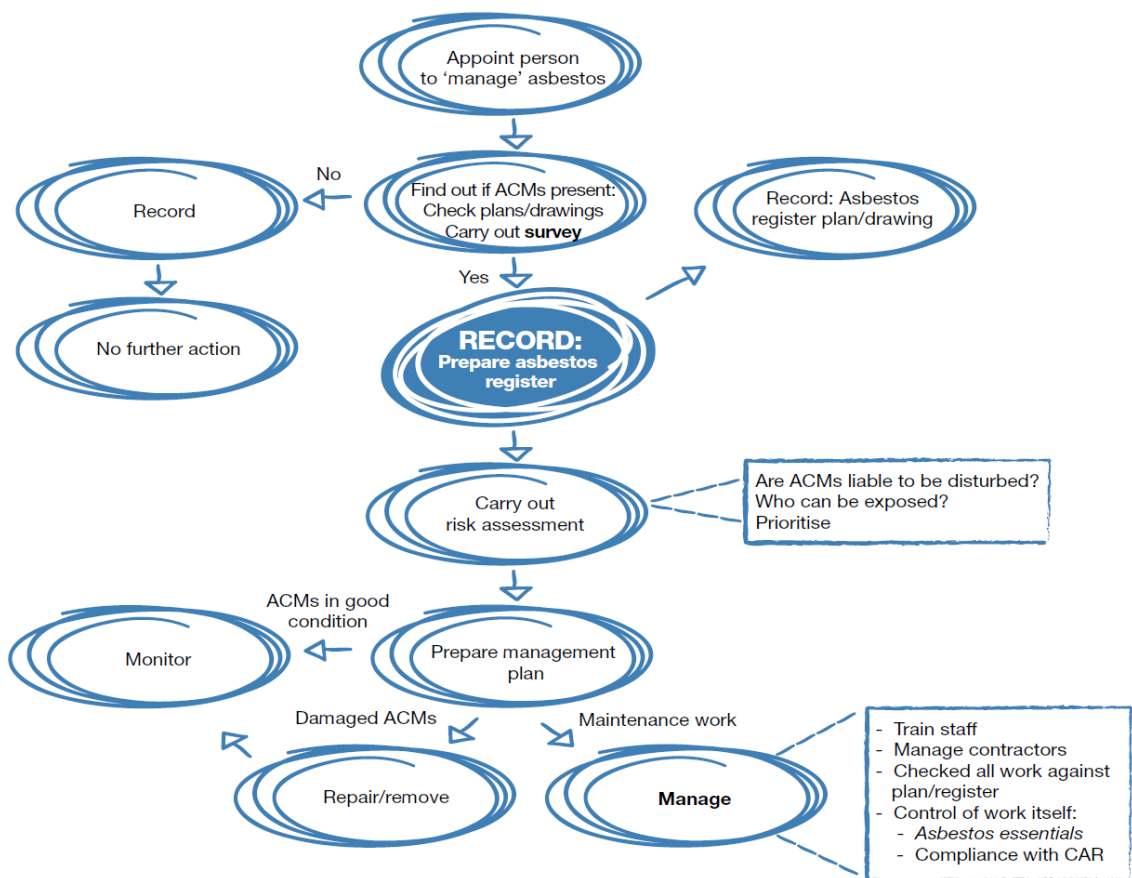
1. ASBESTOS POLICY STATEMENT

- 1.1 It is recognised that Knowes HA has a duty under the Health and Safety at Work etc. Act 1974, as supported by subordinate legislation, to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees, service users, contractors, the general public and others who may be affected by its undertakings.
- 1.2 It is also recognised that the management of asbestos related risk falls within the division's general responsibilities set out in point 1.1, above.
- 1.3 To this end, Knowes HA will comply with the asbestos management duties defined and implied in the *Control of Asbestos Regulations 2012 (CAR12)*. It is the policy of Knowes HA to ensure that, as far as is reasonably practicable, no persons will be exposed to risks to their health due to exposure to any asbestos containing materials that may be present in any of the properties it owns, manages or occupies.
- 1.4 Knowes HA aims to:
- (i) ensure the prevention of exposure to risks associated with asbestos containing materials.
 - (ii) ensure that any asbestos containing materials that may be present in any of its buildings are maintained in a condition so as to prevent the possibility of any harm to health occurring.
 - (iii) promote awareness of the risks from asbestos containing materials and the organisation's management procedures through training and induction of relevant staff.
 - (iv) provide adequate resources to ensure the provision of appropriate information, instructions and training.
 - (v) ensure that a representative proportion of properties built pre 2000 are subject to an Asbestos Management Survey Programme and an Asbestos Register for these buildings is prepared and maintained. This Register will undergo regular reviews and will be updated after any treatment and/or removal works have been undertaken.
 - (vi) ensure that an appropriate Asbestos Refurbishment or Demolition Survey strategy is in place in accordance with current legislation.
 - (vii) ensure only UKAS accredited asbestos organisations are used for asbestos surveying works, asbestos air testing and asbestos analysis work.
 - (viii) ensure that staff carrying out work on any of the organisation's buildings are fully trained, competent and are provided with adequate asbestos information ahead of the works
 - (ix) ensure that all reasonable steps are taken to incorporate robust asbestos risk management and compliance in all contracted and sub-contracted work
 - (x) ensure Licensed Contractors and/or Sub Contractors 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 are competent, trained in safe working procedures and have appropriate insurance cover for the work being carried out.
- (xii) ensure that relevant staff and contractors are provided with appropriate training in this Policy and the associated Procedures.
- (xiii) review the Asbestos Management Policy and Procedures on an annual basis.

2. ASBESTOS MANAGEMENT PLAN

2.1 HSE Guidance Note HSG264 sets out the following figure showing the main aspects involved in the 'Duty to Manage Asbestos'. In essence, this figure is designed to ensure that the possible presence of asbestos, and appropriate actions, are considered at all stages of normal occupancy, repairing, refurbishing and demolishing of premises.



[Ref: HSG264]

3. EQUALITIES COMMITMENT

- 3.1 Knowes HA is committed to tackling discrimination on the grounds of sex or marital status, racial grounds, or grounds of disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.
- 3.2 Knowes HA seeks to embrace diversity, promote equal opportunities for all and eliminate any unlawful discrimination in all areas of our work.

APPENDIX 1 - 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 of the previous Regulations into one framework. The new Regulations introduced a single lower Control Limit for airborne asbestos, a new fibre counting method (the WHO method), and the de-classification of Textured Coatings. The main thrust of the regulations, however, remains Regulation 4 and the Duty to Manage. The Requirement to manage asbestos in non-domestic premises (and includes the common parts of domestic premises), applies when any work with asbestos, or with any product containing it, is carried out by the employer. Exposure of employees to asbestos should be prevented, or reduced as far as reasonably practicable. The new regulations set down a control limit at, or above, which employees must not be exposed unless they are wearing respiratory protective equipment, and oblige employers to assess any risk prior to any work with asbestos so that appropriate measures can be taken to control exposure. There is also a duty to prevent or reduce, as far as is reasonably practicable, the spread of asbestos from the workplace where work is carried out. In addition, there are also requirements on personal protective equipment and on ensuring that asbestos is stored or transferred only in suitable sealed and marked containers. The duties to protect employees are extended to anyone else who may be affected by the work, including members of the public. Protective equipment requirements are described in the **Personal Protective Equipment at Work Regulations 1992**. The 2012 Regulations added a new classification for low risk asbestos work i.e. Notifiable but Non-Licensed Work (NNLW). All other sections of the Regulations are the same.

The Construction (Design and Management) Regulations 2015 (CDM 15) replaced the 2007 Regulations of the same name and provide a framework for the governance and management of health, safety and welfare in construction and demolition projects. The new Regulations saw the *removal of the CDM Co-ordinator role*, with the Health & Safety duties of the former CDM-C now being passed to the Principal Designer. The Regulations include various 'notification' and safety related documentation requirements for certain projects. However, in most cases of asbestos works, the Asbestos Regulations will take precedence over the specific requirements under CDM on the basis that asbestos controls are best determined by the asbestos legislation, codes of practice and guidance.

Disposal of Asbestos Waste

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

Useful Guidance:

HSE Legal Series L143 CAR12, Approved Code of Practice and Guidance
HSE Guidance INDG 223 A Short Guide to Managing Asbestos in Premises
HSE Guidance HSG264 Asbestos: A survey guide
HSE Guidance HSG227 Managing Asbestos in Premises
HSE Guidance HSG248 Asbestos: the Analysts' Guide