
NEW —
GORBALS
HOUSING ASSOCIATION —

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1. Aims and Objectives of the Policy

- 1.1. This policy provides an overview of how New Gorbals Housing Association (NGHA) will ensure that it complies with all relevant legislation and regulatory obligations in respect of all properties under our management containing, presumed to contain, or liable to contain Asbestos Containing Materials (ACMs).
- 1.2. The aim of the policy is to, where reasonably practicable, minimise the risk of exposure to ACMs of tenants and residents, employees, contractors and members of the public affected by the work activities of NGHA in all owned, factored or managed properties.
- 1.3. The objectives of the policy are:
 - To provide an understanding of the “duty to manage” placed on NGHA by the Control of Asbestos (CAR), 2012 regulations (**appendix 1**);
 - To establish responsibilities in relation to both employer and landlord duties where ACM's are present in premises under our control;
 - To ensure compliance with current legislation and best practice in accordance with CAR 2012 and all appropriate Health & Safety legislation and codes of practice;
 - To ensure so far as is reasonably practicable that NGHA identify and manage all risks involved from the presence of ACM's within the fabric of any of our properties;
 - Where necessary, to provide all relevant asbestos safety information to our customers and work pro-actively in conjunction with our appointed consultants and contractors to inspect and maintain all ACM's that NGHA are responsible for, in accordance with HSE guidance;
 - To maintain a structured recording and monitoring process on ACM's contained in our properties using NGHA's asbestos register and Asbestos Management Plan.

2. Legislation & References

- Health & Safety at Work Act 1974
- Management of Health & Safety at Work Regulations 1999
- Control of Asbestos Regulations 2012
- L143 - Managing and Working with Asbestos - Control of Asbestos Regulations 2012. Approved Code of Practice and guidance
- INDG223 - Managing asbestos in buildings: A brief guide
- HSG264 - Asbestos: The survey guide.
- HSG210 - Asbestos Essentials -
- Construction (Design and Management) Regulations 2015

3. Background

3.1. Asbestos is a fibrous mineral substance historically used in many applications for fire protection and insulation. ACMs are found in a wide variety of common building materials, from ceiling and floor tiles, pipe insulation, wall and ceiling boards (including some textured coatings), corrugated roof sheets and storage heater insulation. It is generally found in older premises and equipment (e.g. built or refurbished before the year 2000).

3.2 As long as the ACM remains in good condition and it is located somewhere where it cannot be easily damaged then it should not become a risk. ACMs only become dangerous when broken up and the fibres are released into the air. When these fibres are inhaled, they can cause serious diseases.

4. The Duty to Manage Asbestos

4.1. The duty to manage asbestos is contained in regulation 4 of the Control of Asbestos Regulations 2012 (CAR2012).

Regulation 4 defines the 'dutyholder' as:

- The person or persons in control of maintenance activities (widest sense) whether that be the occupier, landlord, sub lessor or managing agent.
- Where there is more than one such "dutyholder," the relative contribution to be made by each such person in complying with the requirements of this regulation will be determined, in most cases, by the degree of responsibility over matters concerning the fabric of the building and the maintenance activities carried out there, i.e. the extent to which they control and or direct maintenance activities.

4.2. It requires NGHA, where it is the 'dutyholder' to ensure that competent persons are engaged to:

- assess whether the premises are liable to contain asbestos and identify its location and condition (or, alternatively, assume asbestos is present and manage the premises accordingly).
- assess the risk from any located (or assumed) ACMs and to identify vulnerable or damaged ACMs and arrange for their repair and/or protection or, where necessary, arrange removal by somebody competent to do this.

4.3. This regulation covers the duty to manage asbestos in non-domestic premises. The duty to manage ACMs does not apply to domestic premises and does not place any direct duties on landlords for individual houses, private homes or flats. However, the duty does apply to the 'common parts' of premises, including housing developments and blocks of flats

- The common parts of such domestic premises might include foyers, corridors, lifts and lift shafts, staircases, roof spaces, gardens, yards,

outhouses and garages but not the private domestic area inside each flat or home.

- Common parts do not include rooms within a private residence that are shared by more than one household such as bathrooms and kitchens in shared houses and communal dining rooms and lounges in sheltered accommodation.

As employers, NGHA also have duties under the general requirements of CAR 2012 to identify asbestos, carry out a risk assessment of work liable to expose employees to asbestos and prepare a suitable written plan of work.

The Health and Safety at Work etc. Act 1974, section 2, requires all employers to conduct their work so their employees will not be exposed to health and safety risks, and to provide information to other people about their workplace which might affect their health and safety. Section 3 places duties on employers and the self-employed towards people not in their employment and section 4 contains general duties for anyone who has control, to any extent, over a workplace. In addition, the Management of Health and Safety at Work Regulations 1999⁸ require employers to assess the health and safety risks to third parties, such as customers or members of the public who may be affected by their activities, and to make appropriate arrangements to protect them.

4.4. These requirements mean NGHA, have legal duties to ensure the health and safety of their staff (and others) in domestic premises used as a place of work (e.g. during maintenance or reactive repairs activities).

5. Asbestos Management Plan

5.1. An asbestos management plan will be developed and implemented, to manage the risks from ACM's where NGHA is the 'dutyholder', ensuring that all asbestos containing materials are properly managed. This will include procedures for inspecting materials and carrying out remedial works where necessary. The Asbestos Management plan will:

- Identify senior managers and key personnel with overall responsibility for ensuring that asbestos management policy development and implementation is carried out and reviewed regularly,
- Commit NGHA to the provision of appropriate financial resources to ensure that regular asbestos inspection checks and maintenance are carried out based on recommendations from asbestos surveys,
- Employ suitably competent persons to survey and provide recommendations of whether to repair, seal or remove ACMs if there is a risk of exposure due to their condition or location,
- Maintain an up-to-date record of the location, condition, maintenance and removal of all ACMs on our premises,
- Maintain ACMs in a good state of repair and regularly monitor their condition,

- Include detailed operational procedures and guidance on managing ACM's in our properties,
- Inform anyone who is liable to disturb the ACMs about their location and condition,
- Have arrangements and procedures in place so that work which may disturb the ACMs complies with CAR 2012 and associated HSE ACOP's and guidance material,
- Ensure that all NGHHA employees involved in the delivery, procurement and organisation of asbestos related work will be suitably qualified and/or trained to carry out all work requested in a safe and appropriate manner,
- Ensure that all contractors working on our behalf have the necessary competence to carry out all asbestos related work activities in a safe and appropriate manner,
- Introduce measures for reviewing the plan at regular intervals and makes changes if circumstances or legislation changes dictate.

5.2. Where NGHHA is the “dutyholder” there are several key roles with responsibilities that will deliver the Asbestos Management Plan and associated Health & Safety requirements. These include:

- The Management Committee who work with the Director of NGHHA in supporting and promoting good health and safety management practice.
- The Director of NGHHA who retains overall responsibility for the implementation of the Asbestos Management Policy and all operations therein.
- The Head of Maintenance who has been designated the “responsible person” in relation to the day-to-day requirements for health and safety in the workplace in relation to the management of asbestos in NGHHA properties.
- All other Managers, Supervisors and Officers within NGHHA are responsible for policy and procedure implementation and following the control measures defined in the Asbestos Management Plan, where their responsibilities involve instructing work or personnel to carry out activities on behalf of NGHHA which involves, is likely to disrupt, or could expose the employee, contractors, tenants and residents or members of the public to ACM's.
- All NGHHA employees who may come into contact with ACM's in their day to day work, or who manage or supervise such activities are responsible for the operational delivery of this policy and the associated procedures and management plan by ensuring that any work that may disturb or damage asbestos containing materials is avoided.

Furthermore that they report to their Line Manager and the Health and Safety Manager, any materials suspected of containing asbestos, where the material become disturbed and/or damaged during the course of their work activities.

5.3. It is the view of NGHA that in almost all cases, a licensed asbestos contractor will be employed for the undertaking of any works required by the management plan.

5.4. Any such work that cannot be demonstrated to be non-licensable and not Notifiable Non Licensed Work (NNLW) will be carried out by a contractor licensed by the HSE. This will be the NGHA's default position in case of doubt.

5.5. NGHA's employees or contractors may undertake non-licensable works that are NNLW provided that the people undertaking the works can demonstrate that they have received both theoretical and practical training that is refreshed at least annually.

6. Monitoring and Review

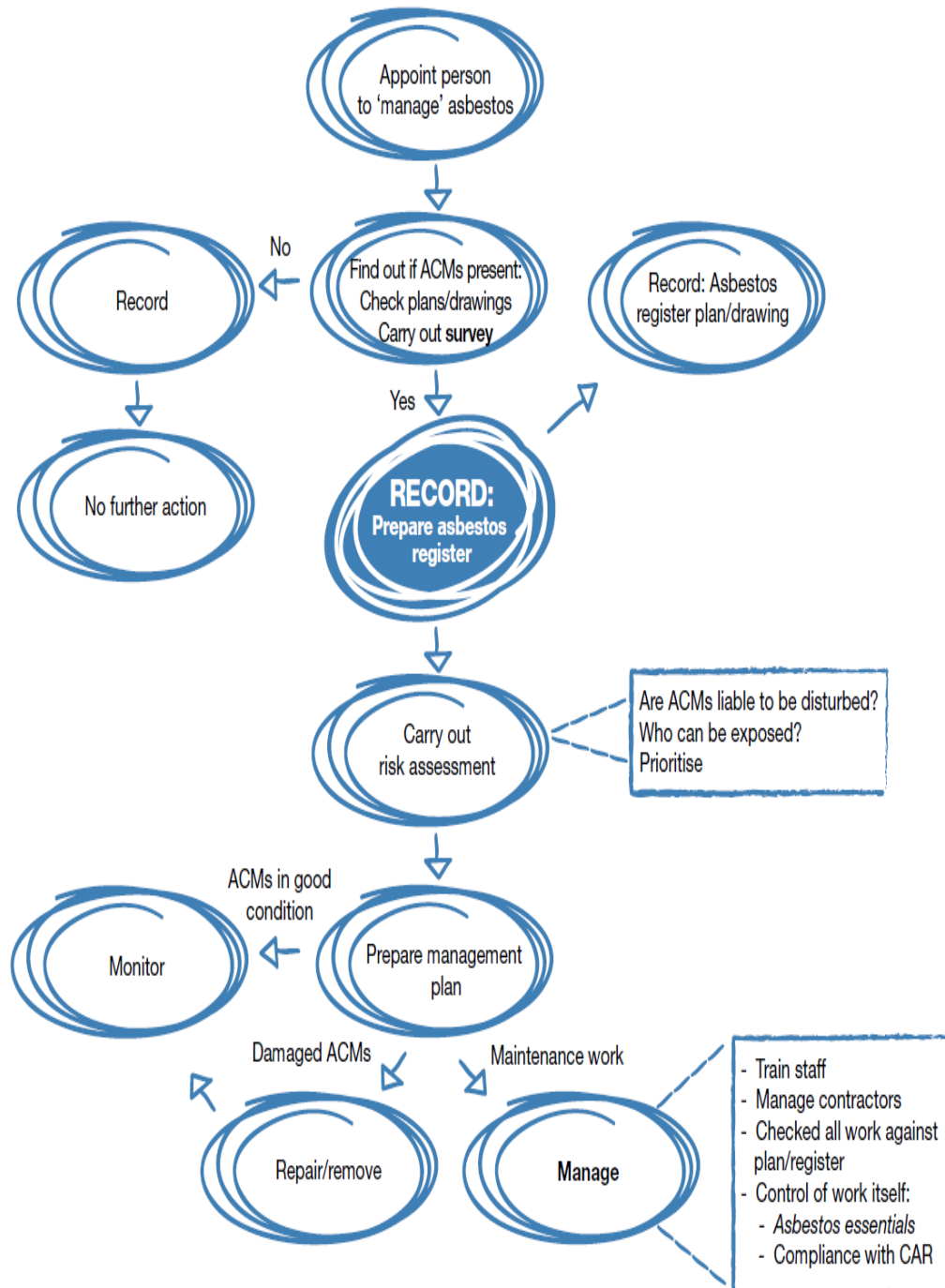
6.1 This policy will be reviewed in conjunction with the NGHA Asbestos Management Procedure every five years or sooner should legislation or best practice guidance dictate.

6.2. The continued effectiveness and implementation of these procedures will be monitored by the appointed Responsible Person, NGHA's Health and Safety Manager and others who play a role in delivering NGHA's Health & Safety requirements.

6.3 The Responsible Person, in conjunction with the Health and Safety Manager will also prepare an annual update on Asbestos, as part of an Tenant and Resident Safety report, for the Director and Management Committee. This will include details on the number of properties known to contain asbestos, the number and types of surveys carried out and details of any asbestos removal or treatments taken based on the outcomes of such surveys.

Appendix 1 Duty to Manage

Summary of the main procedural steps in managing asbestos



(Source HSE – HSG264)