



## ASBESTOS TREATMENT AND RECORDING POLICY

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The information in this document is available in other languages or on tape/CD, in large print and also in Braille.

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## INTRODUCTION

- 1.1 The Control of Asbestos Regulations 2012 came in to force on 6 April 2012. These regulations update the previous asbestos regulations in order to take account of the European Commission's view that the UK had not fully implemented the EU Directive with regard to 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.
- 1.2 The regulations relate to non-domestic property and the communal areas of domestic property. The Association's Asbestos Register will contain information relating to all its stock where asbestos is present or may be present i.e. housing and lock-ups.
- 1.3 The purpose of this policy and procedure is to outline to staff how an assessment of risk will be made, to determine the presence of asbestos in buildings and the treatment and information provided to contractors who may be required to undertake work in the proximity of asbestos containing materials.
- 1.4 Under Regulation 4, 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 causes.
- 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 carried out 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 (AIB). The Association expects its licensed contractor to notify HSE in accordance with the new Regulations.
- 1.6 The Association 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.

## **2. REFERENCE DOCUMENTATION**

- 2.1 The following reference documents were consulted in the preparation of this policy and procedure:

The Control of Asbestos Regulations 2012 – Health and Safety Executive

## **3. BACKGROUND TO ASBESTOS**

- 3.1 The use of 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. Asbestos is only a risk to health, if asbestos fibres are released into the atmosphere. It is estimated that past exposure to asbestos killed 4,100 people in the United Kingdom in 2010. It is expected that the number of asbestos related deaths will rapidly increase over the next decade and that the peak could be as high as 7,500 deaths per annum. There is no cure for asbestos-related diseases. It is further understood that 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 respect.

- 3.2 There are three main types of asbestos still found in premises;

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

- 3.2.1 Whilst all types of asbestos are dangerous, blue and brown asbestos are more hazardous than white.

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

- 3.4 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.

3.5 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.

## **4. REGULATIONS**

4.1 The Control of Asbestos Regulations 2012 further strengthens requirements to protect workers and others likely to be exposed to asbestos fibres arising from work with materials containing asbestos. Most of the duties are placed on employers; for example, to assess work which could expose employees to asbestos fibres and have measures in place to prevent or reduce such exposure. But there are duties on others, such as the duty placed on those in control of non-domestic premises to manage asbestos in those premises.

4.2 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 being carried out; therefore, there is a duty for rented properties to comply with this legislation.

4.3 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 they do not
- Maintain a record of the type, location and condition of Asbestos Containing Materials (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.

## 5. 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, within common areas such as communal stairs and roof spaces and any other areas identified as perhaps containing asbestos, such as meter back boards at the time of internal planned renewals works.

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. However as Planned Maintenance Works have been completed in almost all stock asbestos is most likely to be found in meter backboards, floor tiles or decorative textured coating.

## 6. SURVEYS

There are 3 types of surveys recommended by the Health and Safety Executive. These are as follows:

### ***Type 1: Location and assessment survey (presumptive survey)***

The purpose of this survey is to locate, as far as reasonably practicable, the presence and extent of any suspect ACMs in the building and assess their condition. The survey essentially defers the need to sample and analyse for asbestos (or the presence thereof) until a later time (e.g. prior to demolition or major refurbishment). The duty holder bears potential additional costs of management for some non-asbestos-containing materials. All areas should be accessed and inspected as far as reasonably practicable (e.g. above false ceilings and inside risers, service ducts etc) or must be **presumed** to contain asbestos.

All materials which are presumed to contain asbestos must be assessed.

### ***Type 2: Standard sampling, identification and assessment survey (sampling survey)***

The purpose and procedures used in this survey are the same as for Type 1, except that representative samples are collected and analysed for the presence of asbestos.

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.

***Type 3: Full access sampling and identification survey  
(Pre-demolition/major refurbishment surveys)***

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.

To date, Type 2 and 3 surveys have been undertaken by the Association, and these are supplemented by further surveys where necessary.

Surveys must be undertaken by suitably qualified personnel and must be undertaken in accordance with guidance HSG 264 Asbestos: The Survey Guide ~~Surveying~~, 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.

## **7. 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 Property Services Officer carrying out the inspection will record on the void walk-in sheet if any asbestos containing materials are present or suspected to be 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 I. The following will be taken in to account as issued by the Health and Safety Executive 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. 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.

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 H&S guidelines. The Association will insist that a receipt docket is passed from the contractor disposing of the asbestos, to ensure that it is deposited at a licensed site.

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:

Make sure they **do**:

- 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
- Clean up with a vacuum cleaner, which complies with BS 5415 (Type 'H')

Make sure 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 Health and Safety Executive publish guidance on working safely with asbestos; **Asbestos Essentials Task Manual (HSG210), Third Edition**. Contractors will be expected ~~expected~~ to refer to this manual.

## **8. MONITORING AND REVIEW OF REGISTER AND PLAN**

8.1 The Association will undertake a regular monitor and review of both the Register and Plan to ensure that the actions taken to protect the public and operatives from the risks posed by asbestos are appropriate.

8.2 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 around areas containing asbestos will also be recorded.

- 8.3 The Register and Plan will be reviewed annually to ensure that appropriate action is being taken.
- 8.4 The Association will ensure that a member of the Property Services Team attends training on the management of asbestos at regular intervals to ensure that the Association is kept abreast of any new legislation and guidance.

## **9. DATA PROTECTION**

Hillhead Housing Association will treat tenants' personal data in line with its obligations under the current General Data Protection Regulation and its own Privacy Statement. Information regarding how tenants' data will be used and the basis for processing data is provided in the Association's Privacy Notice.

## **10. EQUAL OPPORTUNITIES**

The Association will seek to ensure that in implementing this policy that no group, organisation or individual will receive less favourable treatment or be discriminated against regardless of their race, colour, ethnic or national origin, language, belief, age, sex, sexual orientation, gender realignment, disability, marital status, pregnancy or maternity. We will positively endeavour to achieve fair outcomes for all.

## **11. COMPLAINTS**

Any tenant who feels aggrieved by their treatment under this policy can ask for a copy of the Association's Complaints Handling Procedure which is available on the Association's website or from our office. Any tenant making a complaint will be advised of their right to complain to the Scottish Public Services Ombudsman.

## **12. REVIEW PERIOD**

- 12.1 The Head of Development & Property Services will be responsible for ensuring that this policy is reviewed every 3 years or sooner to ensure that the Association complies with up-to-date legislation and guidance from the Health & Safety Executive and The Scottish Government.