

# **Asbestos Management**

## **Policy**

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# ASBESTOS MANAGEMENT POLICY AND PROCEDURES

## Contents

1. INTRODUCTION .....	2
2. PURPOSE OF THE POLICY .....	2
3. POLICY SCOPE .....	3
4. AIMS AND OBJECTIVES OF THIS POLICY .....	3
5. ROLES AND RESPONSIBILITIES .....	4
6. ASBESTOS MANAGEMENT ARRANGEMENTS.....	5
7. TRAINING AND AWARENESS .....	6
8. IMPLEMENTATION OF THE POLICY.....	7
9. MONITORING OF THE POLICY .....	7
10. COMPLAINTS AND APPEALS ABOUT THIS POLICY .....	7
11. REVIEW.....	8
12. LEGAL AND REGULATORY FRAMEWORK .....	8
APPENDIX 1 – Equality Impact Assessment.....	11

## 1. INTRODUCTION

- 1.1 Lochalsh and Skye Housing Association recognises that some properties owned and managed by the organisation could contain “asbestos containing materials” (ACM’s). If disturbed, these can present a risk to the health, safety and wellbeing of our customers living in our homes, colleagues working in our offices and the wider estate, owners and people who visit our properties, if it is not managed safely. Asbestos fibres, if breathed in can cause long term asbestos related diseases which can be fatal. Not managing asbestos appropriately can cause financial and reputational risks to our organisation.
- 1.2 LSHA is an employer, and a responsible social landlord, and we acknowledge our legal and moral obligations in assessing and reducing the potential risks from the exposure to Asbestos fibres, which can cause ill health, asbestos related diseases and loss of life. The aim of this policy is to provide a robust Asbestos management safety framework which can be implemented to protect the health and wellbeing of LSHA tenants, owners, staff, and visitors to our properties.
- 1.3 LSHA is responsible for ensuring that all properties owned and managed by us, are suitably risk assessed and managed appropriately, and meet all applicable Asbestos management legislation and standards.

## 2. PURPOSE OF THE POLICY

- 2.1 The purpose of this policy is to:

- Recognise and outline the risks to lives and property associated with the management of Asbestos in all properties owned and managed by LSHA built before year 2000
- Identify all applicable legislation relating to LSHA in terms of Asbestos management statutory duties and responsibilities as a social landlord and employer
- Determine the scope of how the policy will apply to LSHA and how the legislation applies
- Outline the roles, responsibilities and management arrangements LSHA will have in place to manage Asbestos effectively
- Outline how LSHA will implement the policy and assure ourselves that we comply with the legislation
- Ensure that our arrangements for Asbestos management are clear and understood by all employees
- Ensure that we are fair, equitable and non-discriminatory
- Ensure that we can be flexible and adaptable to changing need

### **3. POLICY SCOPE**

- 3.1 This policy applies to all properties owned and managed by Lochalsh and Skye Housing Association built before year 2000. This includes our offices and places of work. Where we are not the freeholder of any properties, which are within our control, the responsibility for Asbestos management will be clearly defined within the management agreement.
- 3.2 This policy applies to all work-related activities of staff and contractors and ensuring there is an awareness for tenants, staff and contractors where asbestos can be disturbed. This also includes asbestos management related work streams e.g. management surveys, refurbishment and demolition (R&D) surveys, licensed work, non-licensed work, notifiable non-licensed work, air testing and monitoring.
- 3.3 This policy applies to all Association staff and Board members, given that the Policy outlines the main responsibilities for Asbestos management. This policy also applies to all tenants, owners, contractors and any visitors to our buildings including members of the public.

### **4. AIMS AND OBJECTIVES OF THIS POLICY**

- 4.1 The aim of this policy is to ensure that LSHA is clear on its duty to manage asbestos under regulation 4 of the Control of Asbestos Regulations to minimise the risk of disturbing asbestos in any of our properties and the exposure of asbestos fibres to staff, customers, contractors and members of the public. When asbestos incidents occur, they could lead to severe ill health, injury or loss of life. In addition, we aim to ensure, so far as is reasonably practicable, the health, safety and welfare of our employees and other persons who may be affected by our activities in relation to Asbestos management in line with overarching health and safety law.
- 4.2 LSHA's objectives are to interpret all applicable legislation and standards to the Association as an employer and registered social landlord for Asbestos management. This includes CDM regulations where LSHA is responsible for ensuring there is suitable survey information for any building where asbestos could be disturbed; implement these Asbestos management arrangements to minimise the risk of asbestos disturbance and exposure which can lead to ill health, injury, loss of life; promote a good level of Asbestos awareness for all applicable stakeholders to ensure the arrangements are delivered effectively, and action in the event that an Asbestos incident occurs.

### **5. ROLES AND RESPONSIBILITIES**

- 5.1 **The Board**, in approving this policy, accepts responsibility for its implementation. The Chief Executive is responsible for day-to-day operation of the policy with assistance from the Director, Managers and operational staff.
- 5.2 **The Chief Executive must ensure delegated responsibilities, and with the**

**Property Services Manager must:**

- Ensure that the requirements of the policy are communicated to all staff and reinforced on a regular basis.
- Ensure that all staff and Board members receive adequate Asbestos awareness training and are encouraged to develop and promote safe working practices and attitudes towards Asbestos management in all work and business activities which could disturb asbestos.
- Liaise with local authorities and the Health and Safety Executive (HSE) on matters relating to Asbestos management including taking any actions resulting from their advice.
- Monitor and report to the Board with any recommendation regarding Asbestos management
- Ensure staff receive Asbestos management training, as the training needs analysis dictates.

**5.3 The Director of Finance and Investment with assistance from the Property Services Manager, must:**

- Ensure compliance with legislation regarding the duty to manage asbestos in non-domestic areas is fulfilled, which requires all non-domestic buildings and parts of buildings require a management survey and re-inspection as required
- Manage the Asbestos database and survey programme, removal work, and any work associated with asbestos in buildings owned and managed by LSHA.
- Ensure a robust database is continuously maintained with all survey information relating to asbestos of known locations and condition. All information should be updated with new information, and this should be made available to all staff and contractors who could disturb asbestos prior to work or any other activity which could disturb asbestos commencing.
- Ensure a suitable and sufficient Asbestos Management Plan is in place and regularly updated, as required by law.
- Ensure all persons or contractors carrying out any work or activity in LSHA's properties which could disturb asbestos have annual asbestos awareness training as a minimum level and are supplied with suitable and sufficient asbestos survey information relating to the property and task to enable work to be carried out without disturbing asbestos.
- Ensure that all Asbestos surveys are carried out by UKAS accredited competent and experienced contractors.
- Ensure systems and contracts are in place for up-to-date advice to be received on current and proposed Asbestos related regulatory and good practice requirements.
- Ensure that regular estate management inspections are carried out and where a potential Asbestos risk is identified appropriate actions are taken to mitigate these risks.

**5.4 The Housing Services Manager must:**

- Ensure that access to tenants' homes is supported for asbestos related works to be completed in line with the Scottish Secure Tenancy Agreement.

- Ensure that the requirements of the policy are communicated to all relevant staff and tenants and reinforce such communication on a regular basis via the website, tenant newsletter and social media.
- Ensure that all appropriate staff receive adequate Asbestos Management awareness training according to their role and are encouraged to develop and promote safe working practices and attitudes towards Asbestos Management.

5.5 Every employee of Lochalsh and Skye Housing Association has a health and safety responsibility and duty with regard to arrangements made for maintaining their own safety in the activities they carry out and responding to emergency situations. The Director and Managers have specific responsibilities as well as those of an employee.

5.6 Any breaches of the policy should be reported to the employee's Manager.

## 6. ASBESTOS MANAGEMENT PLAN

6.1 The Asbestos Management arrangements which LSHA will have in place are:

- Comply fully with all relevant legislation, regulations, ACOP's, Standards and Guidance related to asbestos applicable to the properties LSHA owns and manages.
- Ensure that all properties owned or managed by LSHA which are classed as non-domestic in line with the Control of Asbestos Regulations are identified. This will be the overarching database of all properties which require a management survey in line with regulation 4 of CAR 2012. This will enable LSHA as a duty holder for these properties to identify the location and condition of ACM's and prevent the risk of harm to anyone working, living in or visiting the properties.
- Ensure all work relating to asbestos is carried out by competent contractors, for example all asbestos surveys will be completed by a UKAS accredited contractor. There are different types of work associated with asbestos (licensed, non-licensed and notifiable non licensed). LSHA will ensure these types of work are only completed by appropriately qualified and competent contractors.
- Ensure, prior to any works commencing in either domestic or non-domestic settings, that suitable and sufficient asbestos information is in place to inform that work activity to enable it to proceed safely, including management surveys and R&D surveys where required. All survey data will be recorded within the overarching asbestos database which will be continually updated and managed with live information. This will enable us as a duty holder to comply with regulation 5 of CAR to not proceed with any work until we identify if asbestos is present.
- Robustly maintain an up-to-date asbestos register of all asbestos data, recording the location, condition, exposure risk, maintenance activity and remedial / removal works.
- Ensure that there are clearly appointed accountabilities, roles, and responsibilities to manage asbestos safely across the business, including a duty holder and responsible person.
- Ensure there are suitable levels of governance, oversight, and supervision to implement this policy and the associated Asbestos Management Plan.
- Ensure that all relevant staff receive appropriate training, including specialist roles and general awareness for Asbestos safety management.

- Ensure suitable and sufficient resources are in place to effectively manage customer relationships and tenancy agreements to gain timely access to customers' homes for any work associated with asbestos surveys or remedial works.
- Ensure there are sufficient levels of assurance in place to evidence we are complying with all relevant legislation, standards, our policies, Management Plan and associated procedures in relation to managing asbestos safely.
- Identify and record ACMs found on the premises we own and manage and evaluating the risk on the basis of the best competent advice available.
- Periodically inspect and assess the condition of ACMs within its premises, updating the register and reassessing the risk accordingly.
- Repair, encapsulate or remove ACMs where the condition creates an unacceptable risk.
- Implement effective emergency procedures for the management of uncontrolled, unexpected or unplanned release of asbestos fibres.
- Provide effective response to incidents of suspected, previously unidentified or damaged asbestos.
- Ensure that we manage data robustly and respond promptly to failures in systems and data management, to assure ourselves that we are accurately and robustly fulfilling our statutory responsibilities as an employer and a landlord relating to managing asbestos safely across the business and sharing information as appropriately with anyone who could disturb asbestos.
- Monitor and review the effectiveness of the policy and the asbestos management plan
- Ensure that we work with all regulatory, statutory and enforcing authorities, including the Scottish Housing Regulator (SHR), the Health and Safety Executive (HSE) and local authorities.

## 7. TRAINING AND AWARENESS

7.1 Lochalsh and Skye Housing Association will ensure that all colleagues will receive general Asbestos awareness training as required, in relation to their role, and where they will work.

7.2 Staff who have specific roles relating to Asbestos Management will receive appropriate training to ensure that they are competent to fulfil their duties.

## 8. IMPLEMENTATION OF THE POLICY

8.1 Lochalsh and Skye Housing Association will have suitable and sufficient levels of oversight, governance, and assurance in place to ensure that we fulfil all legal obligations relating to Asbestos management and to assure ourselves that we comply with this Asbestos management Policy, the supporting Management Plan and all applicable legislation.

## 9. MONITORING OF THE POLICY

9.1 Operational Managers will be responsible for the day-to-day management of all work streams and programmes of work associated with Asbestos management. They will be responsible for:

- Ensuring operational management information is in place to evidence work is being completed within the required timescales and to the required standards to give assurance they are working to this policy, the supporting management plan and all applicable Asbestos legislation and standards.
- Providing such information to enable the relevant Manager/Director to submit a quarterly performance report to the Senior Management Team and subsequently to the Board, including relevant Asbestos management KPIs and assurance information.

9.2 In addition to the operational assurance measures outlined above, Asbestos management will also be subject to internal and external audits, as required, to provide suitable assurance.

## 10. REVIEW

10.1 This Policy will be reviewed every 5 years but will be updated if there are any significant changes in legislation, good practice or operational changes, which may affect the content of this policy.

## 11. LEGAL AND REGULATORY FRAMEWORK

### Regulatory Framework

11.1 The Scottish Housing Regulator's (SHR) main role is to 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, in relation to tenants, people who are homeless, gypsy/travellers and factored owners.

11.2 Section 36 of the Housing 2010 Act requires the SHR to issue a Code of Conduct setting out Standards of Governance and Financial Management for RSLs. The SHR has seven standards in place which LSHA must adhere to and meet. Below are the seven standards.

11.3 The relevant standards from the SHR Framework and Standard of Governance and financial Management relevant to this policy are:

- **Regulatory Standard 1 (RS1)** – *'The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users'.*
  - **Guidance 1.1** - The governing body sets the RSL's strategic direction. It agrees and oversees the organisation's business plan to achieve its purpose and intended outcomes for its tenants and other service users.
  - **Guidance 1.2** - The RSL's governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.
  - **Guidance 1.3** - The governing body ensures the RSL complies with its

constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.

- **Guidance 1.4** - All governing body members accept collective responsibility for their decisions.
- **Guidance 1.5** - All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.
- **Guidance 1.6** - Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.
- **Guidance 1.7** - The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).

- **Regulatory Standard 3 (RS3)** – *'The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay'.*

- **Guidance 3.1** - The RSL has effective financial and treasury management controls and procedures, to achieve the right balance between costs and outcomes, and control costs effectively. The RSL ensures security of assets, the proper use of public and private funds, and access to sufficient liquidity at all times.
- **Guidance 3.2** - The governing body fully understands the implications of the treasury management strategy it adopts, ensures this is in the best interests of the RSL and that it understands the associated risks.
- **Guidance 3.3** - The RSL has a robust business planning and control framework and effective systems to monitor and accurately report delivery of its plans. Risks to the delivery of financial plans are identified and managed effectively. The RSL considers sufficiently the financial implications of risks to the delivery of plans.

- **Regulatory Standard 5 (RS5)** – *'The RSL conducts its affairs with honesty and integrity'.*

- **Guidance 5.1** - The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.
- **Guidance 5.2** - The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.
- **Guidance 5.3** - The RSL pays due regard to the need to eliminate discrimination, harassment and victimisation, and advance equality of opportunity and human rights, and fosters good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

## **Legal Framework**

11.4 Lochalsh and Skye Housing Association will comply with all relevant legislation and regulatory requirements for managing Asbestos. Set out below is the principal legislation which applies to Asbestos management for LSHA.

11.5 **The Health and Safety at Work Act 1974 (HASAWA); General Duty on Employers** This primary Health and Safety legislation imposes a general duty on

employers to ensure the health, safety, and welfare of their employees at work, so far as reasonably practical. This statutory duty is also applicable to "others" who may be affected by the employer's undertakings (i.e., work activity), such as contractors, tenants, neighbours, owners, visitors, and members of the wider general public.

- 11.6 **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 of their employees whilst at work and other people not in their employment.
- 11.7 The **Control of Asbestos Regulations 2012** was made under HASAWA and 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 to manage asbestos in:
  - all non-domestic buildings e.g. garage sites and commercial buildings
  - the common areas of domestic buildings including hallways, lift shafts, service ducts and roof spaces (this list is not exhaustive)
- 11.8 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'.
- 11.9 **L143 Approved Code of Practice (ACOP) Managing and working with Asbestos**, further supports the control of asbestos regulations and is published by the Health and Safety Executive which sets out in more detail what duty holders are expected to do in order to comply with the legal requirements. is a duty holder in relation to the Control of Asbestos Regulations 2012
- 11.10 **The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)**. Exposure to asbestos is reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) when a work activity causes the accidental release or escape of asbestos fibres into the air in sufficient quantity to cause damage to health. If work on asbestos is done without suitable controls, or precautions fail to control exposure, these are 'dangerous occurrences' under RIDDOR and should be reported.
- 11.11 **The Construction (Design and Management) Regulations 2015 (CDM)**. These regulations include requirements for clients and principal designers to work together in assessing the adequacy of existing information, including an asbestos survey, before starting any construction project that could disturb asbestos. The regulations also require information on asbestos-containing materials to be provided at an early stage as part of a package of information to mitigate and manage health and safety risks.

## APPENDIX 1 – Equality Impact Assessment

Name of Policy to be assessed	Asbestos Management Policy	New Policy or revision of existing	Review
Person(s) responsible for assessment		HSFO	
1. Briefly describe the aims, objectives and purpose of the policy		<p>The purpose of this policy is to set out how LSHA will ensure that residents and visitors should enjoy safe access to, and use of, our services and facilities. In particular, to ensure, so far as is reasonably practicable, the safety and welfare of our employees and other persons who may be affected by our activities in relation to Asbestos management.</p> <p>The main objective of the policy is to meet all legal and regulatory obligations and ensure best practice is followed in relation to Asbestos management. It therefore aims to: Keep the general public, tenants, and employees safe from the risks associated with Asbestos being disturbed and Asbestos fibres being released and exposure of those fibres to anyone who could come into contact with them.</p>	
2. Who is intended to benefit from the policy? (e.g. applicants, tenants, staff, contractors)		<p>The policy sets out to benefit tenants to ensure the risk of exposure to asbestos is minimised. It further intends to benefit staff, contractors and members of the public who are visiting and working within 's properties. It will also benefit in ensuring legal obligations are met and protecting ACM's from being disturbed.</p>	
3. What outcomes are wanted from this policy? (e.g. the measurable changes or benefits to members/tenants/staff)		<p>To ensure that is compliant with Asbestos legislation and Regulatory guidance and through robust risk assessments, monitoring and maintenance, our procedures and programmes continue to be compliant and managed thus mitigating the risks to staff, tenants' contractors and the general public relating to ill health or loss of life from exposure to harmful Asbestos fibres .</p>	
4. Which groups could be affected by the policy? (note all that apply)			
Age	x	Disability	x
Gender reassignment	x	Marriage and Civil Partnership	x
Pregnancy and Maternity	x	Race	x
Religion or Belief	x	Sex	x
Sexual Orientation	x		
5. If the policy is not relevant to any of the equality groups listed above, state why and end the process here.			

The policy is applied equally to all properties with the aim of preventing exposure to Asbestos fibres in all properties constructed before the year 2000 and ensuring safety for all equally and therefore has no positive or negative impact upon any of the above.

6. Have those affected by the policy/decision been involved?

Information on the Policy is available for all tenants and other customers

	Positive Impact (s)	Negative Impact(s)
7. Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.	See section 6 above	None anticipated
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 impact(s))	No further action required.	
Signed:		
Dated:	14/08/25	