

ASBESTOS POLICY

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hebridean housing
partnership

TABLE OF CONTENTS

INTRODUCTION	2
AIMS	3
LEGISLATION	3
THE CONTROL OF ASBESTOS REGULATIONS 2012	6
THE DUTY TO MANAGE ASBESTOS	6
ASBESTOS POLICY STATEMENT	7
ROLES & RESPONSIBILITIES	8
DUTIES	8
EQUALITIES MONITORING	10
MONITORING AND REVIEW OF POLICY	11
INTERPRETATIONS & ABBREVIATIONS	12

INTRODUCTION

- 1.1 Products containing asbestos have been used for many years in a whole range of applications and locations including industrial, commercial and domestic premises. It has typically been used for lagging pipe work, tanks and boilers, or as a component of structural finishes, such as in walls and ceilings. In many cases, the presence of asbestos is not known until it is exposed through wear, through structural damage or during development work. Whilst the use of all forms of asbestos has now been banned in the UK (with some minor exceptions), a great deal of asbestos is still in situ from previous installations.
- 1.2 Persons now considered to be most at risk from asbestos are trades persons involved in building renovation and maintenance work, particularly amongst plumbers, gas fitters, carpenters and electricians.
- 1.3 There are three main types of asbestos that may be encountered namely, Crocidolite (blue), Amosite (brown) and Chrysotile (white). Asbestos fibres enter the body by inhalation, which can give rise to asbestosis (a scarring of the lung tissue caused by asbestos), two kinds of cancer (mesothelioma and asbestos related lung cancer), and diffuse pleural thickening (a non-malignant disease affecting the lung lining). Currently, approximately 4,000 people are dying from mesothelioma, asbestosis and asbestos-related cancers per year. This is mainly attributed to exposure some time ago, as asbestos related diseases manifest themselves over an incubation period of anything from 20 to 30 years.
- 1.4 In many cases, asbestos in situ is of little risk and should only be treated or removed if its condition deteriorates or remedial / renovation works are required. The key to successful management of asbestos is to identify locations and forms of asbestos, monitor its condition and take the appropriate remedial action as and when required

AIMS

- 2.1 The aim of this document is to demonstrate our commitment to ensuring our employees, contractors, tenants and the public, are not knowingly exposed to any risks that would affect their safety. The documents covered by this Policy will provide guidance and specific instructions for all our employees and external contractors, whilst undertaking asbestos work. This is with the aim of satisfying the legal duties of the Control of Asbestos Regulations 2012 and the Health and Safety at Work Act 1974.

LEGISLATION

- 3.1 Under the Health and Safety at Work Act 1974, employers have duties to ensure, as far as is reasonably practicable, the health, safety and welfare of employees and the health and safety of others that maybe affected by the employers undertaking.
- 3.2 The Control of Asbestos Regulations (CAR) 2006 came into force on 13 November 2006. These Regulations bring together the three previous sets of three Regulations covering the prohibition of asbestos, the control of asbestos at work and asbestos licensing. The Regulations prohibit the importation, supply and use of all forms of asbestos. They continue the ban introduced for blue and brown asbestos in 1985 and for white asbestos in 1999. They also continue to ban the second-hand use of asbestos products such as asbestos cement sheets and asbestos boards and tiles; including panels, which have been covered with paint or textured plaster-containing asbestos. The ban applies to new use of asbestos. If existing asbestos containing materials are in good condition, they may be left in place; their condition monitored and managed to ensure they are not disturbed.
- 3.3 CAR requires employers to prevent exposure of their employees to asbestos or where this is not practicable to reduce the exposure to the lowest possible level. CAR also includes a regulation placing a duty on those who have repair and maintenance responsibilities for premises because of a contract or tenancy, to manage risks from asbestos in those premises. There is also a duty of co-operation between all parties.
- 3.4 It should be noted that CAR arises from the parent-enabling act, The Health and Safety at Work Act 1974 and is thus confined to non-domestic premises, i.e. workplaces.

Therefore, CAR does not directly apply to a domestic premise, but does apply to any work activity that takes place there, e.g. plumbing, electrics etc. However, it has been legally established that common parts of a block of flats are not part of a private dwelling and are considered as non-domestic. Thus, Regulation 4 of CAR does apply to the common and external parts of flats.

- 3.5 Under CAR, we do not have a duty to manage the asbestos within the private part of a dwelling. However, whilst they are excluded from CAR, domestic premises (and in fact all premises) are subject to The Occupiers Liability Act 1984. These require property owners and occupiers to be aware of potential significant hazards to health and safety. All persons including visitors, contractors (and trespassers) must be provided with reasonable care not to suffer injury or harm on these premises. Therefore, whilst under Regulation 4, a written plan is not required for the private dwelling, the location and condition of any asbestos does need to be known and expressed to all people to ensure due consideration is given to deciding what, if any, protective measures are required.
- 3.6 Therefore, CAR does not specifically cover domestic premises, but there is a legal requirement to manage the health and safety risks associated with asbestos.
- 3.7 The Asbestos Regulations also include the 'duty to manage asbestos' in non-domestic premises. Guidance on the duty to manage asbestos can be found in the 'Approved Code of Practice The Management of Asbestos in Non- Domestic Premises', L127, ISBN 0 7176 6209 8.
- 3.8 These duties are extended more specifically with regards to asbestos by the following legislation:
- The Construction (Design and Management) Regulations 2015- CDM regulations have been updated but do not affect the way any asbestos works is carried out. The regulations place more explicit requirements on Principle Designer and Client to ensure that exposure to asbestos is managed throughout a construction project. Where construction work is likely to disturb this asbestos, the Principal Designer—in projects involving more than one contractor — must be given any asbestos

survey and other relevant information from the Client. This will form part of the pre-construction information. The client is required to ensure that before the construction phase begins, a construction phase plan is in place, and where licensed asbestos work is required, the licensed asbestos contractor is required to complete a written plan of work. Where asbestos is to remain in the building after the completion of the construction or refurbishment work, this information must be kept in the health and safety file.

- The Special Waste Amendment (Scotland) Regulations 2004. Domestic asbestos waste is 'special waste'. The requirements of the Special Waste Regulations 1996, as amended, apply to this 'special waste', except where the original producer is also the person who resides at the domestic premises where the waste arises or where the waste producer is acting on behalf of the resident without reward. This means that a contractor who undertakes work for a householder that generates asbestos waste, must comply with the requirements of these Regulations.
- Any asbestos product or material that is ready for disposal is defined as asbestos waste. Asbestos waste also includes contaminated building materials, tools that cannot be decontaminated, personal protective equipment and damp rags used for cleaning. If in doubt, always treat waste as 'Hazardous' or 'Special'. Asbestos waste is considered hazardous when it contains more than 0.1% asbestos.
- Management of Health and Safety at Work Regulations 1999. Risk assessments are a legal requirement under s3 of the Management of Health & Safety at Work Regulations 1999.
- There is also a need for a special risk assessment for young persons (employees or work-experience students under 18) and new and expectant mothers, taking account of their individual needs.

THE CONTROL OF ASBESTOS REGULATIONS 2012

- 4.1 The Control of Asbestos Regulations 2012 came into force on 6 April 2012, updating previous asbestos regulations to take account of the European Commission's view that the UK had not fully implemented the EU Directive on exposure to asbestos (Directive 2009/148/EC).
- 4.2 The policy is consistent with these regulations and takes account of the various provisions

THE DUTY TO MANAGE ASBESTOS

- 5.1 Duty holders include those responsible for the maintenance and/or repair of non-domestic premises. This includes premises, whether they are occupied or vacant. The aim is to protect workers who may come across asbestos in the course of their day-to-day activities, since the major problem facing these workers is that they often do not know where and when the material may be encountered.
- 5.2 The duty holder must:
- conduct a survey of the premises
 - take reasonable steps to locate materials containing or presumed to contain asbestos. complete a risk assessment to discover the likelihood of the release of dangerous fibres
 - make a plan to manage the above risk, including if necessary sealing or encapsulating the asbestos-containing material or, as a last resort, removing the asbestos
 - keep in a well-maintained asbestos register a written record of the location and condition of the asbestos in the building
 - put procedures in place to ensure that our own employees or third party contractors have full knowledge of where asbestos may be present to prevent accidental exposure

- 5.3 The Health and Safety Executive (HSE) Approved Code of Practice (ACOP) L143: Managing and Working with Asbestos explains the duties of building owners, tenants and any other parties who have any legal responsibility for the work premises. It also sets out what is required of people who have a duty to co-operate with the main duty holder.
- 5.4 The Practical Stages of the Duty to Manage. In order to assess and manage the risk of asbestos, the duty holder must:
- survey the work environment
 - assess the risk
 - manage the risk
- 5.5 There is detailed guidance from the HSE on surveying, sampling and assessment of asbestos. It is important to select a competent surveyor. A full list of companies accredited by the United Kingdom Accreditation Service (UKAS) can be obtained via their website.
- 5.6 Once the asbestos-containing materials (or materials presumed to contain asbestos) have been located, the ability of these materials to release asbestos fibres must be assessed, and a written plan prepared to manage the risk. This should ensure that details of the location and condition of any asbestos are provided to every person likely to disturb it. It should be made available, if required, to the emergency services. The plan should include a procedure for monitoring and recording any condition changes. The frequency of the checks to determine condition changes will depend on the type of material present.

ASBESTOS POLICY STATEMENT

- 6.1 We acknowledge and accept our responsibilities under the Health and Safety at Work etc. Act 1974 and the Control of Asbestos Regulations 2006 and 2012 and other related legislation appertaining to asbestos. The organisation acknowledges the health hazards arising from exposure to asbestos and will protect employees and other persons potentially exposed as far as is reasonably practicable. This will be achieved by

minimising exposure through the management of asbestos-containing materials in the workplace premises.

- 6.2 We are committed to ensuring that all asbestos and asbestos products present within all buildings and dwellings managed by us are properly controlled so that they will not present a risk to staff, tenants, contractors or any other persons. Everyone who needs to know about the presence of asbestos will be alerted. No one will be allowed to start work that could disturb asbestos unless the correct procedures are to be employed. In pursuing this objective all relevant Health & Safety Guidance as set out in document HSG227 "A comprehensive guide to managing asbestos in premises" shall be followed. This policy requires the full co-operation of management and staff at all levels. Specific arrangements for compliance with this procedure are detailed in this Policy. The person responsible for the implementation of this policy is the Chief Executive.

ROLES & RESPONSIBILITIES

- 7.1 Properties managed by us fall into two categories, Housing (our housing stock), and non-Housing (offices, garages, laundry blocks and community premises).
- 7.2 The Director of Operations is responsible overall for managing all properties except our offices. There is no asbestos within our offices.
- 7.3 We recognise that in order to discharge our duties effectively under this policy an individual officer must be charged with the responsibility for asbestos. The Investment Manager is therefore designated as our Asbestos Manager.

DUTIES

- 8.1 As an employer, we are required to:
- prevent the exposure of employees to asbestos
 - find out whether their building contains asbestos, what condition it is in and assess the risk, e.g. if it is likely to release fibres, employers must make a plan to manage the risk and protect employees and other persons from exposure to asbestos — if the employer is not responsible for maintaining and repairing all or part of the property, or does not have control of the building, the person who has these responsibilities must carry out the above actions
 - ensure, so far as is reasonably practicable, the health and safety at work of all employees

- be licensed by the Health and Safety Executive if involved in any work with asbestos, with the exception of work in which the exposure is sporadic or of low intensity
- ensure that asbestos waste is transported in sealed, labelled containers with consignment notes, and disposed of at licensed sites
- make no use of any product that contains asbestos.

8.2 Specific responsibilities are as follows:

Asbestos Manager:

- Responsible for ensuring compliance with the Asbestos Policy and regulations relating to all aspects of the management of asbestos. This includes the drafting and revision of asbestos policies.

All Operations staff

- Ensure familiarity with location and nature of asbestos located in all premises in accordance with the asbestos register
- Be aware that the asbestos register lists known asbestos only (there may be more that has not yet been detected).
- If it is believed that the condition of asbestos has deteriorated significantly between asbestos reviews or the presence of previously unidentified asbestos is suspected, arrange for a reassessment or survey to be undertaken by competent persons.
- Ensure that no works (including plumbing and electrical) are undertaken that may disturb any asbestos present. If you are not sure if asbestos is present or not, specialist advice must be sought.
- Not to interfere with control measures that have been implemented to safeguard employees and others from exposure to asbestos.
- Co-operate with your employer's asbestos safety arrangements
- Take reasonable care of yourself and others while working on asbestos related activities
- Follow all the procedures set out in your employer's assessment and plan of work
- Comply with the use of control measures

- Report any problems with safety arrangements in connection with asbestos to your employer

EQUALITIES MONITORING

- 9.1 We are committed to ensuring that all aspects of asbestos management are delivered in full compliance with our responsibilities under the **Equality Act 2010**. We will ensure that no individual is treated unfairly, disadvantaged, or placed at increased risk due to a protected characteristic, personal circumstance, or communication need.

Eliminating Discrimination

We will conduct all asbestos-related activities—such as surveys, communication, remedial work, and emergencies—without discrimination or victimisation of tenants, staff, contractors, or visitors.

Accessible Information and Communication

Health and safety information on asbestos will be provided in accessible formats upon request, including translations and alternative communication methods. Staff will address communication barriers and make necessary adjustments.

Consideration of Vulnerable and Higher-Risk Individuals

When planning asbestos surveys or work, we will account for the needs of vulnerable groups, making reasonable adjustments such as extended notice, relocation support, or improved communication.

Equality in Procurement and Contractor Duties

Contractors must follow our Equality & Diversity Policy by treating everyone fairly, addressing support needs sensitively, and adhering to inclusive practices during induction or contract management.

Inclusive Risk Assessment and Decision-Making

All risk assessments and plans for asbestos management will consider equality issues, document needed adjustments and ensure that no group is unfairly prioritised or disadvantaged.

MONITORING AND REVIEW OF POLICY

- 9.1 The Asbestos Policy to be reviewed every 3 years unless legislation, business or sector developments require otherwise to ensure it meets the stated objectives and takes account of best practice developments.
- 9.2 Sample surveys will be reviewed and audited by the representative of the Director of Operations on a regular basis to ensure full compliance with the policy and our register will be updated accordingly. The Chief Executive and the Board will be updated on any issues arising.

INTERPRETATIONS & ABBREVIATIONS

The following interpretation and abbreviations are used in this policy:

WORD	INTERPRETATION
<i>HHP or Partnership</i>	Hebridean Housing Partnership
<i>Board</i>	Means the Board of the Hebridean Housing Partnership
<i>Board Members</i>	All Members of the Board including co-opted Members
<i>ACM's</i>	Asbestos Containing Materials
<i>Duty Holders</i>	Director of Operations and technical staff within Operations Team
<i>CAR</i>	The Control of Asbestos Regulations
All references to the masculine gender in this policy shall read as equally applicable to the feminine gender	



HHP is a registered society under the Co-operative and Community Benefit Societies Act 2014, Registered Number: 2644R(S), Registered Office: Creed Court, Gleann Seileach Business Park, Willowglen Road, Stornoway, Isle of Lewis HS1 2QP. It is a charity registered in Scotland, Charity Number: SCO35767, registered as Registered Social Landlord with the Scottish Housing Regulator, Registration Number: 359 and registered as a Property Factor, Registration Number PF000183

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