



Although the duty of care is common across all parts of the UK there are some differences which must be observed with additional actions being required and differing documentation requirements. These are summarised in the table below:

Key elements, and variations, of duty of care across UK constituent countries

	England	Scotland	Wales	Northern Ireland
Prevent escape of waste	X	X	X	X
Ensure safe and secure containment	X	X	X	X
Document all waste transfers	X	X	X	X
Keep documents for minimum two years	X	X	X	X
Register sites if hazardous waste produced (more than 500kg p.a.)			X	
Separate collection of glass, metal, plastic, paper, card, food		X		
Prohibit used food macerators in non-rural areas		X		
Document percentage of waste segregation				X

A property manager will most often be responsible for coordinating Duty of Care responsibilities, with information and support provided by a facilities manager. The process of considering duty of care responsibilities should take place within a wider waste management framework.



1. DETERMINE A PROPERTY'S WASTE PROFILE

It is important to have a clear understand of the type of waste generated at a property, and any requirements relating to how this is to be managed. Certain waste types, for example, hazardous waste, will be subject to specific handling arrangements.

Undertaking a waste audit is a useful way to create a property's waste profile, and to map out the requirements associated with different waste streams.



2. ENSURE THAT WASTE IS REMOVED BY A LICENSED OPERATOR

It is important that waste is transferred from a property to an authorised operator. The operator must be able to provide evidence of their authorisation, such as a copy of their waste carriers' licence. As a further check it is sensible to ask the operator to provide a copy of the Environmental Permit (or proof of its exemption) where they will be taking the waste to.

It is also useful to check the public register to check any evidence they provide. The Environment Register contains information on:

- Waste carrier, broker and dealer registrations.
- Environmental permits for waste operations.
- Waste exemptions.

3. ENSURE THE SAFE AND SECURE CONTAINMENT OF WASTE

It is important to put arrangements in place to prevent waste from escaping to the environment. This can include, for example:

- Using containers that labelled clearly and correctly and are suitable for the storage and transportation of the relating waste type. Containers should prevent waste leaking or spoiling, i.e., preventing its intended treatment.
- Limiting access to the waste to only those that are authorised to handle it, including both accidental or intended unauthorised access. For example, rough sleepers may occasionally try to access wheeled bins and it is important to keep them secure to avoid serious injury.
- Making sure that vehicles leaving the property are sheeted, and that waste is secured appropriately for transport purposes.

4. DOCUMENT THE MOVEMENT OF NON-HAZARDOUS WASTE

Waste Transfer Notes the recording of waste collected from a property to be taken to an onward destination for storage, processing or disposal. They must include the following information:

- Nature of the business creating the waste SIC (Statutory Industry Code 2007).
- Waste type (using the List of Waste six digit code).
- The amount of waste collected.
- How the waste is contained.
- Name address and license number of the business collecting the waste.
- The date and place where the collection occurred.
- Final destination of the waste.
- Details of any waste broker used to facilitate the transfer.
- These WTNs must be kept for a minimum of two years.

There is no standard format for a waste transfer note, although various example templates exist online. It is possible to generate Electronic WTNs through the online edoc portal.

Season Tickets can be used where the same waste type will be taken by the same waste carrier, and to the same destination, for a period of up to twelve months. The ticket must contain the same information as a Waste Transfer Note and be stored for two years.

5. UNDERSTAND THE JOURNEY OF A PROPERTY'S WASTE

Duty of care requires that steps are taken to ensure that, when waste transferred from one party to another, the waste will be managed correctly throughout its journey to disposal or recovery.

Alongside having evidence that the operator taking waste from a property has appropriate licenses, further checks may be necessary to ascertain that the operator is managing waste generated at the property appropriately. These checks may include, for example:

- Requesting information from the operator about the next destination for the waste, and checking that the subsequent destination is licensed to receive waste.
- Undertaking more detailed review of whether waste generated at a property has arrived at the intended next destination as expected.

6. ACCOMPANY HAZARDOUS WASTE MOVEMENT WITH CONSIGNMENT NOTES

Any movement of hazardous waste, referred to as Special Waste in Scotland, must be accompanied by a documented [Consignment Note](#), which must be stored for three years. This should be provided by the waste management contractor on collection. Consignment Notes must include the following information on the materials being collected.

- Nature of the business creating the waste Statutory Industry Code 2007.
- Nature of process giving rise to the waste.
- Waste type (using the List of waste - six digit code).
- The amount of waste, the carrier's details and the final destination of the waste.
- The components and concentrations of the waste.
- The physical form of the waste.
- The wastes hazard code.
- How the waste is contained.

Additionally, where relevant:

- The UN Identification number.
- Proper shipping name.
- UN Class.
- Packing group.
- Any special handling requirements.

Common hazardous materials produced in a building include::

- Fluorescent tubes.
- Lead acid batteries (in Uninterruptible Power Supplies).
- Waste electrical and electronic equipment (WEEE).
- Solvent based paints.
- Building chemicals, degreasers, water treatment chemicals.

Hazardous wastes must not be disposed of in the General Waste stream, or in skips used for bulky items or fit-out waste.

Specific requirements and penalties associated the transfer of hazardous waste in Scotland, Wales and Northern Ireland include:

- In Scotland, Consignment Note numbers must be purchased from the Scottish Environment Protection Agency before waste is transferred.
- In Wales, sites producing hazardous waste must register with Natural Resources Wales.
- In Northern Ireland, prenotification of Hazardous waste transfers must be given and a fee paid for either a Consignment Note (consisting of 6 coloured pages) with a unique pre-printed number or a unique number for entry into their own Consignment Note stationary.