

Report

Report to:	Corporate Resources Committee
Date of Meeting:	7 July 2009
Report by:	Executive Director (Corporate Resources)

Subject:	Control of Asbestos Policy
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ outline the main developments in respect of the new Control of Asbestos Policy.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the Control of Asbestos Policy be endorsed and referred to the Executive Committee for approval
- (2) that the proposals for implementation of the Policy across the Council be approved.

3. Background

- 3.1. The Control of Asbestos Regulations 2006 (CAR06) revoked and replaced the Control of Asbestos at Work Regulations 2002. The duties under CAR06 are largely the same as under the previous legislation, including Regulation 4, the duty to manage which requires anyone with responsibility for the management, maintenance and repair of non-domestic properties and common areas of domestic properties to take active steps to identify, record and manage any asbestos that may be present.
- 3.2. A draft Asbestos Policy was prepared for the Council in 1998 by an Asbestos Working Group and this draft document has formed the basis of the actions taken by the Council to manage asbestos in its properties to date.
- 3.3. Housing and Technical Resources have established technical procedures for the management of asbestos in non-domestic and domestic properties and are responsible for the appointment of the Council's UKAS Accredited Asbestos Consultants and HSE Licensed Asbestos Removal Contractor.
- 3.4. The Council's occupational health and safety management system provides a series of guidance notes for managers on health and safety issues. The guidance note on asbestos was developed and issued in July 2007 and has been reviewed in tandem with the development of the policy and, with the template work instruction, will provide the basis of local asbestos management arrangements.
- 3.5. An internal audit of Property Legislation (Asbestos) was reported in October 2007. The audit report identified a number of actions to improve the Council's arrangements for the management of asbestos:-

- ◆ to develop a corporate strategy for asbestos management;
- ◆ to revise and update the existing policy statement for asbestos;
- ◆ that asbestos management arrangements should be adopted council wide.

3.6 While it is recognised that procedures for the management of asbestos and contractors are in place, the Council continues to experience challenges in the management of asbestos in its properties with incidents of disturbance of asbestos continuing to occur, in some cases resulting in exposure of employees and others. Concerns have also been raised by trade union officials through the Joint Health and Safety Strategy Group regarding failures in the communication of information to managers and employees and ongoing difficulties in accessing information on asbestos related matters.

3.7 Clearly there are improvements to be made and the implementation of the Control of Asbestos Policy will require a fundamental review of current procedures to ensure they meet the requirements and result in safe and healthy workplaces for all of our employees. The new policy will also require a review of current training provision to identify and address gaps.

4. Asbestos Risks

4.1. Asbestos remains a high profile health and safety issue and reports, on the long term occupational health effects of asbestos exposure and HSE prosecutions for failures to manage the risks posed by asbestos in properties, are routinely covered in the media.

4.2 Significant risks exist where duty holders fail to identify and manage asbestos and asbestos containing materials (ACM) in properties. Specific attention is drawn, by the HSE, to the increased risks in CLASP and TOWER construction buildings.

4.3 The schools modernisation programme will remove these specific risks from the education sector and robust management arrangements are established for these properties in the interim. However, inherent risks remain in all council owned and leased property built or refurbished before 2000 and it is essential that the Council implements effective management arrangements to manage these risks.

5. Asbestos Policy

5.1 The policy recognises and reflects the duties prescribed by CAR06 and the wider responsibilities placed on the Council by the Management of Health and Safety at Work Regulations to identify and manage significant risks to its employees and those affected by its actions and, the Construction Design and Management Regulations to ensure the competence of contractors.

5.2 The policy aims to ensure a high standard of competence in the management of asbestos in Council properties by focusing on the following core principles:-

- ◆ the assignment of clearly defined roles and responsibilities for the management of asbestos across the organisation;
- ◆ the establishment of standards for the provision training, for those identified as having specific responsibilities, to ensure their competence to manage asbestos in line with CAR06;
- ◆ improving the accessibility and readability of information on the asbestos register;
- ◆ improving the communication of information to trade union safety representatives and employees to raise awareness of the nature, location and

properties of asbestos and help prevent accidental damage or disturbance of asbestos;

- ◆ ensuring the appointment and management of competent contractors and providing them with information on the location of asbestos in properties and monitoring the work that they do;
- ◆ ensuring appropriate responses and support are provided by the Council in the event that any employee is exposed to asbestos while at work.

6. Implementation of the Control of Asbestos Policy

6.1 It is proposed that the Control of Asbestos Policy will be implemented across the Council as follows:

- ◆ a series of presentations to Resource Management Teams to highlight on the key aspects and implications of the policy and management arrangements by September 2009;
- ◆ a review of current procedures and practices by Resources to ensure policy requirements are being met to be completed by March 2010;
- ◆ a review of the accessibility and readability of the asbestos register to be completed and implemented by March 2010;
- ◆ roll out of the corporate asbestos training strategy by March 2010;
- ◆ the implementation of their revised procedures by Resources by September 2010; and
- ◆ a joint Corporate and Housing and Technical Resource audit of the implementation of the policy by December 2010.

7. Employee Implications

7.1 The effective implementation of the policy and supporting arrangements will require a review of employee training needs to ensure that they are competent to fulfil the roles and responsibilities defined in the policy.

8. Financial Implications

8.1 The implementation/roll-out of the corporate asbestos training strategy will require the appointment of a competent asbestos training provider.

10.2 The cost of training will be met from existing budgets.

9. Other Implications

9.1 None.

10. Equality Impact Assessment and Consultation Arrangements

10.1 Although this report recommends a change to an existing policy/or introduces a new policy this policy has been screened for equalities issues and is not relevant to the Council's equalities duties and therefore no impact assessment is required.

10.2 Consultation on the policy has been undertaken through the Joint Health and Safety Strategy Group which is comprised of Resource health and safety and trades union representatives.

Robert McIlwain
Executive Director (Corporate Resources)

17 June 2009

Link(s) to Council Objectives/Values

- ◆ Excellent employer
- ◆ Accountable, effective and efficient

Previous References**List of Background Papers**

- ◆ Audit of Property Legislation (Asbestos) – October 2007
- ◆ Housing and Technical Resources Technical Procedures for the Management of Asbestos
- ◆ Occupational Health and Safety Management System – Guidance Note on Asbestos – May 2009
- ◆ Occupational Health and Safety Management System – Guidance Note on Record Retention – May 2009
- ◆ Occupational Health and Safety Management System – Corporate Work Instruction for the Management of Asbestos – May 2009

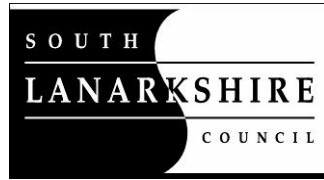
Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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CORPORATE RESOURCES

Control of Asbestos Policy

May 2009

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1. Introduction

Asbestos was extensively used as a building material in the UK from the 1860's until 1999 with extensive use in the 1950s through to the mid-1980s. It was used for a variety of purposes and was ideal for fireproofing and insulation. Any building built or refurbished before 2000 (houses, factories, offices, schools, hospitals etc) can contain asbestos. Asbestos materials in good condition are safe unless asbestos fibres become airborne, which happens when materials are damaged and disturbed.

South Lanarkshire Council recognises that asbestos is, or may be, present in areas within properties under its control in various forms, condition and types and that an effective policy and asbestos management arrangements need to be in place in order to minimise the risks to all employees, service users, contractors or visitors who could potentially be affected by the release of asbestos fibres.

The Control of Asbestos Regulations 2006 (CAR 2006) define a specific duty to manage the risks from asbestos containing materials in non-domestic premises. The duty to manage framework set out in CAR 2006 provides a mechanism for achieving compliance. This approach has been adopted by the Council as the model for the management of asbestos in both non-domestic and domestic properties.

This document sets out the Council Policy for managing asbestos and promoting legislative compliance. It is intended to be an effective management tool for controlling risks to health from asbestos within our properties and is supported by detailed guidance contained within the Occupational Health and Safety Management System.

2. Policy Statement

South Lanarkshire Council will take all reasonably practicable steps to ensure the health, safety and wellbeing of its employees and all other persons likely to be affected by its operations.

The Council will take a pro-active approach to the management of asbestos in its properties by:-

- Initiating surveys, air testing and other investigative work to locate, identify, assess and record the nature, condition and type of asbestos, and materials containing asbestos, in all South Lanarkshire Council owned and leased property.
- Obtaining information in writing on the risk from asbestos within their properties from the owners of leased properties occupied by South Lanarkshire Council.
- Establishing and maintaining the Council's Asbestos Register recording the location, nature, type, condition and risk from asbestos, and all materials containing asbestos.
- Carrying out regular materials and priority risk assessments for those premises where asbestos is, or is liable to be present.
- Establishing effective asbestos management arrangements to ensure that:-
 - any material known or presumed to contain asbestos is kept in a good state of repair;
 - any materials that contain, or are presumed to contain, asbestos are, because of the risks associated with its location or condition, repaired or if necessary removed; and
 - provide information on the location and condition of the materials to anyone potentially at risk.
- Ensuring that a suitable and sufficient strategy for the provision of information, instruction and training on the management of asbestos in council properties is implemented to meet the needs of :-
 - all maintenance and building operatives likely to encounter or disturb asbestos containing materials in their day to day work.
 - all managers and other employees with specific responsibilities for the management of asbestos.
 - all employees.
- Ensuring that all Council employees and contractors involved in, or potentially affected by, Council initiated construction activities which may disturb asbestos or material containing asbestos are given adequate information on the known existence or suspected existence of such materials.
- Ensuring that all South Lanarkshire Council employees and contractors working with asbestos or materials containing asbestos are appropriately supervised at all times and carry out suitable and sufficient risk assessments including the preparation of method statements prior to work commencing.
- Ensuring that only UKAS Accredited Asbestos Consultants are appointed by the Council.

- Ensuring that the remediation or removal of licensed asbestos materials deemed as licensable work under CAR 2006 is undertaken by HSE Licensed Asbestos Removal Contractors.
- Ensuring that suitable and sufficient training and safe systems of work are provided for the remediation and removal of asbestos containing materials deemed as unlicensable under CAR 2006.
- Establishing and maintaining emergency procedures in the event of the accidental release of asbestos fibres.
- Providing adequate air monitoring on a routine basis, or following the identification of an accidental release of asbestos fibres, to allow the assessment of any potential or actual exposure of employees or others and ensure that records of air tests, and relevant material analysis and results are maintained.
- Providing appropriate occupational health advice and reassurance based on available air test and other risk information to employees who have been or may have been exposed to asbestos.
- Providing medical health surveillance on the advice of the Council's Occupational Health Medical Adviser for employees who have been or may have been exposed to asbestos.

2.1 **Scope**

The policy will apply to all South Lanarkshire Council workplaces, housing stock and leased properties and all work undertaken in these properties on the Council's behalf.

The policy applies to Council employees, contractors undertaking work on the Council's behalf and anyone likely to be put at risk from work on those properties.

The policy is supported by the Council's Occupational Health and Safety Management System and Housing and Technical Resources Technical Procedures for the Management of Asbestos.

3. Organisation

Key responsibilities are detailed below to ensure that this policy and the supporting arrangements are implemented effectively.

3.1 The **Chief Executive** has responsibility for ensuring:-

- that the Control of Asbestos Policy is implemented through delegation of responsibility to each of the Resource Executive Directors;
- that sufficient resources are made available to ensure the effective implementation of the Policy; and
- that regular monitoring of the policy takes place to ensure that it remains relevant and effective.

3.2 In addition to the responsibilities outlined in paragraph 3.4, the **Executive Director, Corporate Resources** has a specific role for the management of health and safety for all Council employees and those who may be affected by the actions of the Council. In this respect the Executive Director, Corporate Resources has responsibility for:-

- the development, implementation and review of the Control of Asbestos Policy;
- the provision of guidance on the management of asbestos in properties within the Council's Occupational Health and Safety Management System;
- consultation on the policy and supporting arrangements through the Joint Health and Safety Strategy Group;
- regular audit and review of the Council's Occupational Health and Safety Management System and reporting on actions required as appropriate;
- the provision of appropriate occupational health arrangements to support the Policy;
- establishing a corporate training programme to support the Policy; and
- providing the HSE, and other related bodies with details of the Council's asbestos management arrangements and other appropriate information when required.

3.3 In addition to the responsibilities outlined in paragraph 3.4, the **Executive Director, Housing and Technical Resources** has a specific role relating to the management of asbestos in Council owned and leased properties occupied by the Council including tenants in Council houses. This relates to buildings, structures and houses where refurbishment, repair, maintenance, servicing, demolition or other construction related works are planned, and carried out through contracts, frameworks or partnership arrangements commissioned by Housing and Technical Resources.

In this respect the **Executive Director, Housing and Technical Resources** is responsible for:-

- ensuring that the appropriate resources, structures and management arrangements are in place within Housing and Technical Resources in order to support the achievement of the policy as follows:-
 - the management and maintenance of the Council's Asbestos Register for all operational domestic and non-domestic properties including common areas owned or leased by the Council through information provided by the appointed consultant;

- ensuring that the Asbestos Register is accessible to those employees, contractors and others who require it where they may be brought into contact with asbestos containing materials as part of their work activities;
- implementing a pro-active management plan including prioritising action, removal, encapsulation and re-inspection as determined through risk assessment;
- controlling and submitting requests to the HSE for 14 day notification waivers for licensed asbestos remedial and removal work;
- ensuring that all statutory documents generated by the asbestos works are properly completed, recorded and retained for the appropriate duration;
- keeping detailed project records relating to asbestos remediation, removal or other investigative works and associated analysis and air testing;
- preparing and implementing, in consultation with client Resources, asbestos remedial action plans;
- assisting client Resources in the completion of Priority Risk Assessments;
- ensuring that a reasonable period of notice is provided to the client Resource for any survey or remedial works;
- stopping work and informing the client Resource if suspected asbestos material is discovered during the course of a project and seeking advice from the Council's appointed consultant and contractor;
- ensuring, in event of an uncontrolled accidental release of asbestos fibres, that:-
 - immediate action is taken to minimise the residual risk;
 - instructions are given for material sampling analysis and air testing;
 - records are collated and maintained so that the nature of the incident can be assessed in order to establish whether the correct procedures have been followed;
 - preventative actions are put in place; and
 - appropriate and timely information and advice is provided to the client Resource and others as appropriate, e.g. health and safety advisers, trade union safety representatives etc.
- implementing protocols to ensure appropriate employees, contractors and consultants under the control of Housing and Technical Resources have knowledge of the presence or otherwise of asbestos containing materials affecting any proposed operations;
- overseeing asbestos management contracts and all refurbishment or alteration, maintenance, repair or demolition works where asbestos material is present; and
- instructing the inspection of reported materials thought to contain asbestos that are not on the Asbestos Register and advising on remedial action where appropriate.
- ensuring the periodic review of Housing and Technical Resources technical processes, procedures and work instructions that support the policy;
- appointing competent consultants and contractors for the purpose of locating, identifying, risk assessment, air testing, treating, encapsulating and removing asbestos;
- ensuring the monitoring of appointed contractors and consultants including assessment of HSE and SEPA Licences and insurances, in compliance with statutory requirements; and
- ensuring that all appointed repairs, maintenance and servicing contractors are competent and have appropriate training.

3.4 All **Executive Directors** have responsibility for ensuring:-

- that [arrangements](#) to support the achievement of the policy are developed and implemented within their Resource;

- the periodic review of their arrangements;
- making sufficient resources available to support the effective management of asbestos in properties owned and operated by their Resource;
- that employees under their control have knowledge of the presence of asbestos containing materials affecting any proposed operations;
- that appropriate information, instruction and training in line with the Council's Asbestos Training Strategy is provided to all employees with a responsibility for the management of asbestos or who have a role in the delivery of the Policy and supporting arrangements; and
- that appropriate reassurance and health surveillance arrangements are provided to any employee who has or may have been exposed to asbestos.

Where an Executive Director is responsible for construction related projects (for example refurbishment, alteration, repairs and maintenance, servicing and / or demolition) whether or not the property concerned is owned by the Council, **and the works have not been directly commissioned, supervised and / or managed by the Executive Director, Housing and Technical Resources** (see para 3.3 above) then the following responsibilities will apply in addition to those outlined above:-

- the appointment of competent asbestos consultants and contractors for the purpose of locating, identifying, risk assessment, air testing, treating, encapsulating and removing asbestos;
- ensuring that monitoring is in place regarding the performance of appointed contractors and consultants, and an assessment of their HSE and SEPA Licences and Insurances etc. in terms of their currency and appropriateness is carried out, in compliance with statutory requirements; and
- the collation and provision of data in the required format to Housing and Technical Resources (Property Services) to ensure that this can be used to populate the Council's Asbestos Register.

Where an Executive Director is responsible for the letting of Council owned properties, the following responsibilities will apply in addition to those outlined above:-

- the provision of information to tenants on the location and condition of asbestos in the property and the findings of the material and priority risk assessment;
- ensuring that reporting processes are implemented when tenant concerns are raised or interpretation is required by tenants on the asbestos information provided;
- ensuring that appropriate advice is issued to tenants on the appropriateness of activities within a let property in line with the material and priority risk assessment; and
- delivering on the landlord responsibilities for leased out properties.

3.5 Heads of Service

To facilitate the effective management of asbestos in their properties, an Executive Director and their respective Heads of Service may consider appointing an appropriate senior manager as the designated Property Co-ordinator (Asbestos) for the Resource. Where a Property Co-ordinator (Asbestos) is not appointed, the under noted responsibilities will lie with each individual Head of Service.

All **Heads of Service** (or designated Property Co-ordinator(s) (Asbestos) where appropriate) will have responsibility for:-

- ensuring procedures are prepared and implemented, where appropriate, in order to achieve compliance with the policy and supporting arrangements within their service areas;
- liaison with the Resource health and safety team in the development of asbestos management arrangements and periodic review of arrangements;
- liaison with Housing and Technical Resources to identify asbestos containing materials;
- assisting managers in the completion of priority risk assessments, where appropriate;
- co-ordinating and managing information on asbestos containing materials within Resource held properties;
- monitoring compliance with Resource asbestos management arrangements and advise the Resource Senior Management Team and Health and Safety Adviser of any areas of non-compliance;
- advising the Resource Health and Safety Adviser of any relevant issues, particularly those involving any enforcing bodies;
- liaison with Housing and Technical and other Resources as required regarding any non-compliance with agreed asbestos arrangements;
- liaison with relevant trade union safety representatives on any non-compliance with agreed asbestos arrangements; and
- ensuring that asbestos records, risk assessments, materials analysis, air test results, etc. are retained for a minimum of 5 years if exposure to asbestos is suspected or confirmed as below the control limit or for a minimum of 40 years if exposure is confirmed above the control limit.

3.6 All **Managers** who have responsibilities for the repair and maintenance of council property will:-

- undertake priority risk assessments in conjunction with the appointed consultant and Housing and Technical Resources and ensure the assessment outcome is implemented;
- assess areas and liaise with Housing and Technical Resources to determine appropriate actions for the management of asbestos containing materials;
- retain the risk register and any relevant information on asbestos, including air test results and ensure these are made freely available at site, or can easily be made available on request to all appropriate personnel;
- ensure that the information available is up to date and relevant extracts from the risk register are made available to directly appointed servicing repairs and maintenance contractors to allow suitable and sufficient risk assessment and method statements to be prepared by the contractors;
- ensure appropriate asbestos management arrangements are in place and employees are aware of their responsibilities in achieving compliance with the Policy and management arrangements;
- provide appropriate information to employees to ensure that they are aware of and able to manage any risks associated with asbestos or asbestos containing materials within the workplace;
- ensure that local trade union safety representatives are aware of the location and content of the risk register and any other issues relating to the management of asbestos in that facility and is notified of any planned or reactive asbestos survey, remedial or removal works in advance of those works commencing;

- communicate with service users and manage the continuity of service, where possible;
- liaise with relevant personnel to ensure appropriate room usage;
- inform Housing and Technical Resources and relevant line manager, Head of Service and Health and Safety Team if suspected asbestos material is disturbed or discovered during the course of works;
- ensure all appointed contractors are confirmed as competent by Housing and Technical Resources or the appointing Resource; and
- attend all training as instructed.

3.7 All **Employees** are responsible for:

- complying with the asbestos management arrangements for their place of work;
- ensuring that they understand and follow all information, instruction and/or training received in relation to the management of asbestos;
- ensuring that any work that may disturb or damage a material containing asbestos is avoided;
- stopping work and seeking advice from their line manager if suspected asbestos material is discovered during the course of the works;
- adherence to the asbestos repair procedures, property repairs reporting process and management arrangements; and
- reporting any incidents or issues that they are concerned about to their line manager.

3.8 All **Trade Union Safety Representatives** are responsible for:-

- ensuring that they understand and follow all information, instruction and/or training received in relation to the management of asbestos;
- advising and supporting employees in complying with the requirements of the asbestos management arrangements for their workplace; and
- raising employee issues or concerns regarding asbestos with management promptly.

3.9 All **Contractors** are responsible for:

- requesting information regarding the location, condition, type and risk from asbestos containing materials relating to the work they intend to carry out in a property prior to work commencing and reflecting the outcome in their risk assessment and safe system of work;
- compliance with the Control of Asbestos Policy and management arrangements;
- ensuring the competence of their employees; and
- stopping work and reporting immediately to Housing and Technical Resources any materials suspected to contain asbestos, particularly where the materials have been disturbed or damaged, or where works are likely to be undertaken that may affect such materials.

3.10 **Information, Instruction and Training**

South Lanarkshire Council will provide relevant and appropriate training (which includes information and instruction) as outlined in the Corporate Asbestos Training Strategy that supports this policy.

All **Building Services Operatives** will be provided with information, instruction and/or training as appropriate on:-

- the properties of asbestos, its health effects and the interaction of asbestos and smoking;
- the type of materials likely to contain asbestos and where they are likely to find them;
- the procedure to follow before starting any work where building materials are to be disturbed;
- action to take if they find asbestos or a damaged material that they think could contain asbestos;
- the type of work that could cause asbestos exposure and the importance of preventing exposure;
- how work can be done safely and what equipment is needed;
- emergency procedures;
- hygiene facilities and decontamination; and
- the Council's arrangements for the management of asbestos.

All **Managers** and any other employees in control of parts of the asbestos management arrangement or those who have specific responsibilities such as supervising and controlling maintenance or building work or those carrying out inspections or surveys will be provided with specific training on their duty to manage responsibilities.

Individual training needs will be identified and training provided at regular intervals, that will be proportionate to the nature and degree of potential exposure which could occur and contain the appropriate level of detail. Further information on the level and type of training required is included in the Corporate Asbestos Training Strategy that supports this policy.

All **Employees** will be provided with information and instruction on:-

- the properties of asbestos, its health effects and the interaction of asbestos and smoking;
- the type of materials likely to contain asbestos;
- action to take if they find asbestos or a damaged material that they think may contain asbestos; and
- what to expect from maintenance employees and building operatives.

3.11 **Health Records and Medical Surveillance**

All employees who have or may have been inadvertently exposed to asbestos will be offered a referral to the Council's Occupational Health Medical Adviser for advice and information on the likely exposure levels, associated risks and the type and frequency of any further health monitoring or surveillance that may be required. At that referral, employees will be advised to consult their own GP and request that a note be made on their personal medical record of the possible exposure including date(s), duration, type of fibre and likely exposure levels (if known). The Council will provide the employee(s) with a copy of the relevant information relating to the exposure to allow this to be accurately recorded. The recording of asbestos exposure information will be undertaken using the pro-forma included in the occupational health and safety management system.

4. Planning and Implementation

This policy will be implemented through the Occupational Health and Safety Management System and Housing and Technical Resources Technical Procedures for the Management of Asbestos.

The Occupational Health and Safety Management System contains specific guidance on the Control of Asbestos Regulations and Construction Design and Management Regulations that support the objectives of the Control of Asbestos Policy.

The guidance notes outline legislative requirements and provide procedures that managers should follow to ensure that they are managing health and safety to the required corporate standard.

Guidance notes are supported by specific work instructions developed at a Resource level to further aid managers in the management of health and safety issues through the provision of detailed procedures and safe systems of work relevant to local needs.

5. Monitoring, Audit and Review

The Executive Director Corporate Resources **will carry out** periodic reviews and audits of this Policy and management arrangements.