

Corporate Policy and Strategy Committee

10.00am, Tuesday, 4 November 2014

Corporate Policy for Managing Asbestos – Revised Document

Item number 7.4

Report number
Executive/routine
Wards

Executive summary

- It is a legal requirement for the Council to comply with the Control of Asbestos Regulations 2012.
- The asbestos policy forms the nucleus of the Council's asbestos management plan and there is a legal requirement to review it at least annually.
- The Council currently has two separate policies for the management of asbestos in its properties and for other locations throughout the city for which it is responsible.
- Following a number of Enforcement Notices being served by the Health and Safety Executive on the Council with regard to the management of asbestos, an asbestos working group was set up to review current procedures. This group agreed that there should be one policy document setting out a consistent approach to how asbestos is managed in all Council properties, regardless of Service Area.
- The attached revised Corporate Policy for Managing Asbestos has been written to account for current legislative requirements and applies to all Council owned or occupied premises in one set of documents.

Links

Coalition pledges [P27](#)
Council outcomes [CO27](#)
Single Outcome Agreement

Corporate Policy for Managing Asbestos – Revised Document

Recommendations

- 1.1 It is recommended that the Corporate Policy and Strategy Committee:
 - 1.1.1 approve the Revised Corporate Policy for Managing Asbestos including the Strategy Statement and the Roles and Responsibilities document.

Background

- 2.1 It is a legal requirement for the Council to comply with the Control of Asbestos Regulations 2012.
- 2.2 The Council currently has two separate policies for the management of asbestos in its properties and for other locations throughout the city for which it is responsible.
- 2.3 The two documents are the *Corporate policy for the management of asbestos in non-domestic council occupied premises* and the *Policy and procedures for the identification, management and treatment of asbestos in Services for Communities properties*. The former policy relates to properties such as schools, care homes and offices and the latter to Council housing properties.
- 2.4 Following a number of Enforcement Notices being served by the Health and Safety Executive on the Council in regard to disturbances of asbestos, an asbestos working group was set up to review current procedures. This group agreed that there should be one policy document setting out a consistent approach to how asbestos is managed in all Council properties, regardless of service area.
- 2.5 The revised policy includes, as appendices, a strategy statement, setting out how the Council will implement the policy and a document describing the roles and responsibilities of all employees in managing asbestos.

Main report

- 3.1 The Control of Asbestos Regulations 2012 set minimum standards for the protection of employees from risks related to exposure to asbestos.
- 3.2 These Regulations impose a duty to manage the risk from asbestos in any premises.

- 3.3 The main dutyholder is required to ensure that a written plan is prepared that shows where the Asbestos Containing Materials (ACMs) is located and how it will be managed to prevent exposure to asbestos, including to contractors and other workers who may carry out work on the fabric of the building that could disturb the ACMs.
- 3.4 This plan then needs to be put into action and communicated to those affected.
- 3.5 The dutyholder needs to ensure the plan is reviewed regularly and updated as circumstances change, in consultation with all those who may be affected.
- 3.6 The revised Corporate Policy for Managing Asbestos forms the nucleus of the Council's asbestos management plan and has been written to set out how the Council will comply with current legislative requirements and applies to all Council owned or occupied premises in one set of documents.
- 3.7 The Strategy Statement (Policy Appendix 1) has been written to set out how the Council will implement the requirements of the revised policy.
- 3.8 The Roles and Responsibilities document (Policy Appendix 2) has been written to set out the appropriate responsibility and accountability at the right levels of the Council management structure.
- 3.9 Revised management procedures will align with the Policy, Strategy and Roles and Responsibilities documents and will be part of the overall asbestos management plan.

Measures of success

- 4.1 Clearer understanding of ownership and accountability for managing the risks associated with the presence of asbestos in all Council owned and occupied properties.
- 4.2 Better informed and trained managers and employees leading to a greater awareness of responsibilities in ensuring successful management of asbestos.
- 4.3 Better informed and trained managers and employees leading to a reduction in incidents of unexpected disturbance of asbestos.
- 4.4 Reduction in enforcement notices from the relevant enforcing authorities.
- 4.5 Reduced litigation and reduction in adverse health implications arising from the disturbance of and exposure to asbestos.

Financial impact

- 5.1 Reduction in Enforcing Authority notices, reducing the likelihood of 'Fees for Intervention'.

- 5.2 Reduction in potential compensation payments associated with any future accidental release of and subsequent exposure to asbestos.

Risk, policy, compliance and governance impact

- 6.1 This policy aims to address key responsibilities and reduce the risk to the Council.

Equalities impact

- 7.1 Council activities in this area comply with the public sector general equality duty.
- 7.2 The equalities relevance score with regard to this report is 3, therefore, no full Equalities Impact Assessment is required.

Sustainability impact

- 8.1 The creation of safer working conditions and a healthier workforce is key to how the Council contributes to the overall wellbeing in the city and its communities.

Consultation and engagement

- 9.1 Representatives from every area of the Council who have responsibilities for managing asbestos were involved in the drafting of this policy.
- 9.2 Consultation with our recognised Trade Unions took place during the drafting of this policy and relevant recommendations were incorporated into the policy.

Background reading/external references

None.

Alastair Maclean

Director of Corporate Governance

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Links

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|---------------------------------|--|
| Coalition pledges | P27 - Seek to work in full partnership with Council staff and their representatives. |
| Council outcomes | CO27 - The Council supports, invests in and develops our people |
| Single Outcome Agreement | |
| Appendices | Appendix 1 – Corporate Policy for Managing Asbestos |

Corporate Policy for Managing Asbestos

Implementation date: 4 November 2014

Control schedule

Approved by
Approval date
Senior Responsible Officer
Author
Scheduled for review

Version control

| Version | Date | Author | Comment |
|---------|------|--------|---------|
| 0.1 | | | |

Committee decisions affecting this policy

| Date | Committee | Link to report | Link to minute |
|------|-----------|----------------|----------------|
|------|-----------|----------------|----------------|

Corporate Policy for Managing Asbestos

Purpose

- 1.1 The Council has a statutory obligation to comply with the Control of Asbestos Regulations 2012. To fulfil the requirements of the requirements of these regulations the Council will prepare and implement a written asbestos management plan. This plan and the Corporate Asbestos Policy will be kept under review and revised as necessary in line with operational experience, technical guidance and legal requirements.
- 1.2 The purpose of this Policy is to:
- Set out the responsibilities of Council staff in relation to the management of Asbestos Containing Materials (ACMs);
 - Raise awareness regarding the management of ACMs;
 - Minimise the risk of any person being exposed to asbestos fibres using Council occupied or owned premises; and
- Provide guidelines for the recording, management and where appropriate the safe disposal by a licensed contractor of ACMs.
- 1.3 Service specific operating procedures are prepared and reviewed by each Service and a copy of these procedures will be held and managed by the relevant Service Area.

Scope

- 2.1 The aim of the Policy is to protect all Council employees, maintenance/contract workers and third parties from exposure to asbestos fibres by adopting a best practice approach to the management of ACMs.
- 2.2 The strategy for implementation is contained within Appendix 1

Definitions

- 3.1 Asbestos is a mineral which was used extensively as a building material from the late 1950s until the year 2000. Exposure to fine airborne asbestos fibres can cause respiratory diseases and lead to serious health problems later in life and in some cases death.

Policy Statement

- 1.1 In all matters relating to the presence of asbestos the Council will endeavour to maintain a safe and healthy environment by:
- Complying with all legislation and Health and Safety Executive (HSE) guidance concerning the control of ACMs;
 - Managing the risk relating to ACMs where they remain in buildings in order that they are kept to a minimum, thereby preventing or reducing exposure to asbestos fibres;
 - Taking the appropriate remedial action regarding the ACMs i.e. removal, encapsulation, isolation or enclosure; and
 - Ensuring suitable and appropriate information, instruction and training is given to all Council employees.

Responsibilities

- 5.1 The Chief Executive has overall responsibility for ensuring that the Asbestos Policy is implemented. All Directors shall manage Health and Safety responsibilities through their respective management teams, including Head Teachers, in line with the Corporate Health and Safety Policy.
- 5.2 The Standing Asbestos Group will continuously review, plan and monitor the Council's Asbestos Policy and Procedures.
- 5.3 Details of roles and responsibilities are contained within Appendix 2

Legislative Context

- 6.1 The following legislation applies:
- Health and Safety at Work etc Act 1974
 - Control of Asbestos Regulations 2012; and
 - The Construction (Design and Management) Regulations 2007.

Associated documents

- 7.1 Managing and working with asbestos, L143 (second edition);
- 7.2 Asbestos: The survey guide, HSG264;

- 7.3 A Comprehensive guide to managing asbestos in premises, HSG227;
- 7.4 A short guide to managing asbestos in premises, HSG223 (rev5);
- 7.5 Council Asbestos Procedures; and
- 7.6 Corporate Health and Safety Policy.

Strategy Statement

The strategy for the implementation of the Corporate Policy for Managing Asbestos is as follows:

1. Asbestos Awareness

- 1.1 To raise an appropriate level of awareness about issues concerning the management of Asbestos Containing Materials (ACMs) with all staff having responsibility for the management of buildings, other staff, and persons who use the City of Edinburgh Council (Council) property, premises and environment.
- 1.2 To train Council staff in matters relating to the safe management of asbestos in Council occupied premises.

2. Procedures

- 2.1 To have clear procedures for:
 - the assessment of risks associated with the presence, location, type and condition of ACMs within buildings owned or occupied by the Council;
 - monitoring the condition of ACMs at appropriate frequencies;
 - the safe sampling, encapsulation, removal and disposal of ACMs by a competent contractor;
 - manage incidents, accidents and emergencies relating to asbestos; and
 - to have a training matrix to ensure adequate, suitable and appropriate asbestos training for all staff.

3. Management Structure

- 3.1 To define the responsibilities of Council staff who are involved with the management of asbestos in buildings, see appendix 2.

4. Asbestos Officers

- 4.1 To have named Asbestos Officers within the Council who will have specialist knowledge of the management of asbestos and will arrange for a record of the presence of ACMs in buildings to be maintained.

5. Survey/Maintenance/Removal

- 5.1 Edinburgh Scientific Services will survey all Non-Domestic Council premises to identify, where possible, the presence of ACMs. When required they will survey Council Domestic Properties and will also advise on any suspected ACMs inappropriately abandoned;
- 5.2 To maintain ACMs in a safe condition where they present minimal risk to building users; and
- 5.3 To remove ACMs where they present an unacceptable risk to any persons.

6. Records

- 6.1 To develop and maintain appropriate databases for recording all information relating to ACMs at Council occupied premises, including all historical information.
- 6.2 To prepare and maintain at all Council occupied non-domestic premises an Asbestos Register containing all known details of ACMs at that premises.
- 6.3 To maintain an Asbestos Register for recording appropriate information relating to ACMs in the common areas of Council occupied domestic premises and to record information of internally surveyed domestic properties, including all historical information.
- 6.4 To maintain a central auditable record of training. Evidence of staff attendance at training will be held by the relevant Service Area.

7. Contractors

Asbestos Contractors

- 7.1 To use only Health and Safety Executive licensed contractors listed and approved by the Council for the removal of ACMs. In exceptional circumstances, involving low risk materials, the removal may be performed by trained, competent staff. In that case, the task must be risk assessed and the work authorised by the appropriate Asbestos Officer.

Other Contractors

- 7.2 To provide information and instruction to all contractors undertaking work in Council property on the presence, location and type of asbestos, together with details of the hazard and associated risks within their work area.

Roles and Responsibilities

1. Chief Executive and Corporate Management Team (CMT)

The Chief Executive and the Corporate Management Team will, with the assistance of the Corporate Health and Safety Team and the Council Asbestos Officers, ensure that arrangements are in place for the management of asbestos and Asbestos Containing Materials (ACMs) in buildings under their control.

2. Heads of Service and Senior Management Teams

The Heads of Service and the Senior Management Teams will, with the assistance of the Corporate Health and Safety Team and the Council Asbestos Officers, ensure that arrangements are in place for the management of asbestos and ACMs in buildings under their controls.

These arrangements will include the production and management of:

- up-to-date risk registers, risk assessments and risk management plans;
- procedures for the operation of buildings;
- procedures for contractors working in buildings under their control; and
- procedures to ensure the competency of contractors and designers employed to undertake work in buildings under their control (Council in-house contractors and designers are the responsibility of the relevant Service Areas).

Heads of Service will also be responsible for ensuring that suitable training of relevant staff is delivered in their Service Areas.

Heads of Service will ensure that where Quality Assurance procedures are already in place, they include systems for the management of asbestos. They will also ensure that all new Quality Assurance procedures include systems for the management of asbestos.

Heads of Service will ensure that adequate systems are in place for managing ACMs contained in structures that are under the control of that service.

Examples of such structures are:

- Buildings e.g. schools, libraries, houses etc;
- Bridges;
- Coastal protection;

- Tunnels and other conduits;
- Street furniture, including street lighting;
- Fountains; and
- Statues

3. Standing Asbestos Group

The Standing Asbestos Group is a cross Council group including, but not limited to, the Corporate Health and Safety Team, Edinburgh Scientific Services, the Council Asbestos Officers and representatives from all Service Areas. It is currently chaired by Corporate Facilities Management

The primary purpose of the group shall be to keep asbestos at the forefront of all Council employee's minds and those who are employed by the Council to carry out works in any of its buildings. The group will continuously review, plan and monitor the Council's Asbestos Policy and Procedures to ensure ACMs are managed effectively.

4. All Services

Premises Managers (including Head Teachers)

The Premises Manager is regarded as the person who has overall responsibility for the management of a property. Generally, this will be the most senior member of staff based at the property.

Premises Managers have the overall responsibility for:

- Ensuring that they have sufficient understanding of the requirements of this policy;
- the implementation of procedures relevant to the Council Corporate Policy for Managing Asbestos;
- undertaking risk assessments relating to the presence of ACMs (see procedure 13 *'Procedure for Asbestos Risk Assessment and Action Plan'*);
- preparing an action plan for the management of asbestos based on the findings of the risk assessment;
- liaising with staff from Services for Communities;
- liaising with and assisting the Asbestos Officer and Scientific Services staff in the carrying out of any asbestos surveys required;

- the management of contractors operating in their buildings, other than work managed by an appointed Lead Designer (as defined in 4.2 below); and
- maintaining, updating and using the premises' asbestos register and notifying the Asbestos Officer of any changes to the condition or location of asbestos. The register shall be kept in the Property.

A central register of Premises Managers will be maintained by Corporate Facilities Management.

5. Lead Designer

The Lead Designer is regarded as the person responsible for leading a project from inception to completion.

The majority of maintenance and building works are managed by staff in Services for Communities. At the early stages of the works a lead designer is appointed to oversee the contract and to ensure that the contractor is working in a responsible and competent manner.

Where a contract includes any work which has the potential to disturb asbestos or ACMs the Lead Designer is responsible for:

- making the Asbestos Officer aware of the contract;
- carrying out an asbestos risk assessment relating to the contract;
- contacting staff at Edinburgh Scientific Services to agree proposed dates and times for surveys, pre and post-works air sampling;
- establishing the competency of contractors and designers engaged on works in the building. The competency of internal designers and contractors is the responsibility of the relevant Service Area; and
- ensuring that information on the removal or encapsulation of any ACM is passed to the appropriate Asbestos Officer. This will allow the asbestos register to be updated.

6. Corporate Governance

Corporate Health and Safety Service

The Corporate Health and Safety Manager shall be responsible for:

- Providing guidance and assistance to those staff who are responsible for the management of asbestos in their property;
- The development and review of policies and procedures for the management of ACMs in Council properties;

- Confirming the evidence of asbestos registers, risk assessments, information on ACMs, training records and annual inspection reports when carrying out health and safety audits of buildings;
- Conducting specific asbestos audits and agreeing remedial action plans with the premises manager; and
- Forwarding the results of Asbestos Audits to the Asbestos Officer for collating and review by the Standing Asbestos Group.

7. Services for Communities

Asbestos Officer(s)

The Asbestos Officer(s) shall be responsible for:

- Providing expert advice to responsible parties on the management and treatment of asbestos and the management of contracts involving ACMs;
- Maintaining up-to-date records of all asbestos surveys and other asbestos related information for all non-domestic Council properties;
- Maintaining up-to-date records of asbestos surveys and other asbestos related information for all surveyed Council domestic dwellings;
- Managing a programme of asbestos surveys to establish and maintain records of the presence of asbestos;
- Issuing up-to-date asbestos registers to all non-domestic Council properties; and
- Maintaining records of reportable incidents.

8. Edinburgh Scientific Services

Edinburgh Scientific Services shall:

- Carry out or supervise all inspection and testing works in compliance with all relevant legislation and guidance;
- Issue reports to the appropriate Asbestos Officer on the findings and results of the inspections and testing;
- Issues a four-stage Certificate of Re-Occupation where appropriate, to contractors and to the appropriate Asbestos Officer for all works where ACMs have been removed; and
- approve the content of all asbestos training provided to Council staff.

9. Food, Health and Safety Service (incorporating Public Health)

The Food, Health and Safety Service (incorporating Public Health) shall:

- act as a health and safety enforcing authority and advise employers regarding their responsibilities to manage asbestos in the workplace during inspections and take appropriate enforcement action where necessary;
- consider ASB5 notification forms received and take any appropriate follow up action; and
- respond to complaints and enquiries by providing advice or taking enforcement action at premises with the Service's various enforcement functions or referring to any other Council service or agency such as Health and Safety Executive (HSE) or Scottish Environmental Protection Agency (SEPA) as appropriate.

10. Waste Services

Waste Services shall:

- not knowingly accept asbestos or hazardous waste delivered to the Community Recycling Centres or any waste transfer station and to direct householders/companies of the correct procedures and appropriate hazardous waste disposal companies.

11. Corporate Facilities Management

Facilities Management shall:

- regularly inspect and maintain asbestos logs (asbestos registers and asbestos surveys) held at Council non domestic operational premises and report any issues to the Corporate Asbestos Officer;
- ensure all SSOs (Service Support Officers/Janitorial staff) attend asbestos awareness training on a regular basis as detailed in the Council Asbestos Procedures; and
- ensure that all catering and cleaning supervisors have knowledge and understanding of the content of asbestos registers and this information is cascaded to their staff through induction and toolbox talks.