

Policy and Sustainability Committee

10:00am, Tuesday, 5 October 2021

Council Asbestos Policy 2021-24

Executive/routine	Routine
Wards	
Council Commitments	

1. Recommendations

- 1.1 It is recommended that the Policy and Sustainability Committee approves the Council Asbestos Safety Policy 2021-24.

Stephen S. Moir
Executive Director of Corporate Services

Contact: Chris Lawson, Head of Health and Safety
Legal and Assurance Division, Corporate Services Directorate
E-mail: chris.lawson@edinburgh.gov.uk | Tel: 07732 405 330

Council Asbestos Policy 2021-24

2. Executive summary

- 2.1 This Policy reconfirms the position of the Council with regards regulatory compliance with the management of asbestos in council operated/managed buildings, both domestic and non-domestic. It further clarifies the requirement for relevant service areas to construct, implement, monitor and review asbestos management systems and procedures appropriate to service area activity, including the provision of emergency arrangements.
- 2.2 The Policy replaces the existing Corporate Policy for Managing Asbestos, dated 3 October 2017.

3. Background

- 3.1 Asbestos, commonly found in many buildings¹, constructed or refurbished before 2000, is a known carcinogen and is subject to strict regulatory controls to minimise exposure. The diseases associated with asbestos arise when asbestos fibres are inhaled and penetrate deep into the lung causing harm to the lining of the lungs. Exposure to asbestos has long term health implications including mesothelioma, lung cancer and asbestosis.
- 3.2 The Council has legal obligations to manage asbestos under the Health and Safety at Work etc. Act 1974 and the Control of Asbestos Regulations 2012 (CAR12). The accompanying Health and Safety Executive Approved Code of Practice (L143) and supplementary standards and guidance provide guidance on how the 'duty to manage' asbestos, set out in Regulation 4, should be met.
- 3.3 This Policy sets out how the Council will comply with legal and regulatory requirements, aimed at preventing exposure to asbestos.

¹ Also found in older plant, vehicles, equipment and other historical artifacts.

4. Main report

- 4.1 This Policy replaces the existing Council Managing Asbestos Policy and reconfirms the position of the Council with regards regulatory compliance with asbestos legislation and approved codes of practice, standards and guidance, setting out the overall intent and key controls for managing risks associated with exposure to asbestos.
- 4.2 The Policy applies to Council owned, managed or leased buildings (buildings operated/controlled by the Council), both domestic and non-domestic, and all employees and third parties who interact with Council services but are not employees.
- 4.3 The Policy further clarifies the need for specific Directorate/Divisional asbestos management systems, incorporating operational procedures, specifically designed to;
- assist duty holders in compliance with their statutory duties;
 - locate any asbestos containing materials (ACMs) in Council buildings and assets and assessing their condition (surveying);
 - maintain accurate records of the location and condition of ACMs and assessing the risk from them;
 - take appropriate action to manage the risk associated with ACMs;
 - provide information and advice on the location, type, and condition of the material to anyone who could be in a position to disturb ACMs (provision of asbestos registers, etc.);
 - ensure effective arrangements are in place should an accidental release of asbestos fibres occur;
 - ensure appropriate information, instruction and training is given to all relevant Council employees;
 - ensure the engagement, where required, of suitably licensed, qualified and experienced contractors to carry out works on asbestos (e.g. removal or encapsulation); and,
 - identify and provide health surveillance for staff who have worked with, or have been exposed to, asbestos².
- 4.4 The policy includes arrangements at a Directorate/Divisional level to monitor the Asbestos Management Systems with input and scrutiny from Directorate/Divisional Management and Employee Representatives. Directorates/Divisions will have undertaken to consult with Trade Union colleagues to ensure that procedures and practices to implement this Policy are capable of effective and timely implementation.

² For limited exposure Occupational Health referral may be appropriate.

5. Next Steps

- 5.1 This revised policy will be brought to the attention of all employees along with additional support information for duty holders.

6. Financial Impact

- 6.1 There is an existing, accredited, asbestos specialist provision within the Council who are currently developing Directorate/Divisional asbestos management systems therefore there are no anticipated adverse financial impacts arising from this report.

7. Stakeholder/Community Impact

- 7.1 By adopting this policy, the Council will be ensuring employees, service users and other third parties who resort to our buildings and assets are safe, so far as is reasonably practicable, from the risk of harm from asbestos exposure.
- 7.2 Consultation and engagement has taken place with recognised Trade Unions and relevant changes made.
- 7.3 Consultation and engagement has taken place with Directorates and Divisions and associated management teams, and relevant changes made.
- 7.4 There are no negative equality or sustainability issues arising from this Policy.

8. Background reading/external references

- 8.1 The risk associated with asbestos will be managed in accordance with the undernoted legislation and guides:
- 8.1.1 The Health and Safety at Work, etc. Act 1974 [\[Link\]](#).
 - 8.1.2 The Construction (Design and Management) Regulations 2015 (CDM) [\[Link\]](#).
 - 8.1.3 The Control of Asbestos Regulations 2012 (CAR12) [\[Link\]](#).
 - 8.1.4 Health and Safety Executive approved code of practice (L143), second edition, 2013 and guides [\[Link\]](#).
 - 8.1.5 The Management of Health and Safety Regulations 1999 [\[Link\]](#).

9. Appendices

- 9.1 Appendix 1 - The City of Edinburgh Council Asbestos Policy 2021 - 24

Council Asbestos Policy

Implementation date: 14 October 2021

Control schedule

Approved by	Policy and Sustainability Committee
Approval date	14 October 2021
Senior Responsible Officer	Stephen Moir, Executive Director of Corporate Services
Author	Chris Lawson, Head of Health and Safety
Scheduled for review	05 October 2024

Version control

Version	Date	Author	Comment
0.1	03 Oct 2017	Sam Jennings	The existing Corporate Policy for Managing Asbestos will be superseded.
0.2	05 October 2021	Chris Lawson	The existing Corporate Policy for Managing Asbestos will be superseded.

Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
03 Oct 2017	Corporate Policy and Strategy Committee	Council Managing Asbestos Policy	See link to report
01 Dec 2020	Policy and Sustainability Committee	Council Health and Safety Policy	See link to report

Council Asbestos Policy

1. Introduction

- 1.1 Asbestos, commonly found in many buildings¹ constructed or refurbished before 2000, is a known carcinogen and is subject to strict regulatory controls to minimise exposure. The diseases associated with asbestos arise when asbestos fibres are inhaled and penetrate deep into the lung.
- 1.2 The Council has legal obligations to manage asbestos under the Health and Safety at Work etc. Act 1974 and the Control of Asbestos Regulations 2012 (CAR12). The Approved Code of Practice, and HSE guidance on the Asbestos Regulations provides guidance on how the 'duty to manage' asbestos set out in Regulation 4, should be met.
- 1.3 The City of Edinburgh Council will ensure, so far as is reasonably practicable, that the risk associated with Asbestos will be managed in accordance with: -
- The Health and Safety at Work, etc. Act 1974 [\[Link\]](#)
 - The Construction (Design and Management) Regulations 2015 (CDM) [\[Link\]](#)
 - The Control of Asbestos Regulations 2012 (CAR12) [\[Link\]](#); and
 - Health and Safety Executive approved code of practice (L143), second edition, 2013 and guides [\[Link\]](#).

2.0 Policy Aims

- 2.1 The primary aim of this Policy is to ensure the health, safety and wellbeing of employees and other persons from the risk of harm from exposure to Asbestos.
- 2.2 The Council will do this by employing suitable and sufficient Service Area led asbestos management systems (AMS) designed to;
- locate any asbestos containing materials (ACMs) in Council buildings and assets and assessing their condition;
 - maintain accurate records of the location and condition of ACMs and assessing the risk from them;
 - take appropriate action to manage the risks associated with ACMs;
 - provide information and advice on the location, type, and condition of the material to anyone who could be in a position to disturb ACMs;
 - ensure effective arrangements are in place should an accidental release of asbestos fibres occur;
 - ensure appropriate information, instruction and training is given to all

¹ Also found in older plant, vehicles, equipment and other artifacts.

- relevant Council employees;
- ensure the engagement, where required, of suitably licensed, qualified and experienced contractors to carry out works on asbestos (e.g. removal or encapsulation); and
 - identify and provide health surveillance for staff who have worked with, or have been exposed to, asbestos².

3.0 Scope

- 3.1 This Council Asbestos Policy is designed to protect the health, safety and welfare of all employees, service users and other relevant persons and is applicable to the management of asbestos where the council has direct responsibilities as owners, occupiers, or managers of both domestic and non-domestic premises, as appropriate. It is applicable across all sites and activities, *whether temporary or permanent*, and should be read in conjunction with the Council Health and Safety Policy and supporting Council Duty Holder guide.

4.0 Roles and Responsibilities

- 4.1 The Council will organise its asbestos management arrangements around existing organisational governance and assurance structures and will ensure the provision of robust leadership and management systems, with clearly defined roles and responsibilities, for asbestos risks.

4.2 The City of Edinburgh Council

The Council and its elected members, as the governing body and employer, have the overall statutory responsibility for occupational health and safety, including the management of asbestos risk within the Council.

4.3 Chief Executive and Corporate Leadership Team

The Chief Executive has delegated authority from the City of Edinburgh Council for the delivery, management and performance of this asbestos policy and is supported in this by the Executive Directors who form the Council's Corporate Leadership Team (CLT), along with other relevant officers who attend that group.

Additionally, the Chief Executive and the CLT will:

- a) implement and endorse this policy as a visible demonstration of ownership and ensure its values are appropriately communicated throughout the organisation;
- b) agree how this policy will be measured, monitored and reported through the setting of appropriate key performance indicators and to review such performance data, celebrating achievement and taking corrective action where targets are not being met;

² For limited exposure Occupational Health referral may be appropriate.

- c) allocate suitable resources for the proper management of asbestos; and
- d) ensure emergency procedures encompass all relevant asbestos related risks.

4.4 Premises/site Asbestos Duty Holder

The most senior manager/employee within the Directorate/Division in the relevant building, e.g. Head Teacher, Care Home Manager, etc. (or by local agreement) shall be the designated '*Duty Holder*' within the definition of the above legislation. In Council operated multi-occupied premises/sites, in addition to their normal managerial responsibilities, the most senior manager with the largest number of staff on site (or selected by collective agreement), e.g. depot manager, shall be nominated the duty holder responsible for the co-ordination and co-operation of asbestos safety responsibilities, as appropriate, of cross Service Area/third party boundaries in the premises or site.

The duty holder is responsible for local (day to day) asbestos management arrangements within the relevant premises/site and will ensure;

- a) this Policy is communicated and followed by all employees and relevant third parties;
- b) asbestos Registers are up to date and readily available at all times to those employees of the Council, external contractors and others who may need to refer to them;
- c) emergency procedures are followed if there is an unplanned release of asbestos fibres; and
- d) the immediate reporting of any adverse events involving asbestos on the Council adverse event reporting system and to Operational Services or Housing, Family Support and Fair Work as appropriate.

4.5 Service Director, Operational Services

4.5.1 The Service Director: Operational Services has responsibility for the management of asbestos in non-domestic Council buildings and assets, except those managed by third parties on our behalf and leased buildings³. The Service Director is also responsible for putting in place arrangements to respond to the risks associated with unplanned and unexpected presence of / exposure to asbestos containing materials at household waste recycling centres and the illegal disposal of asbestos products in the community (fly tipping). The Service Director will design and implement a written Service Area asbestos management system (AMS) with procedures that ensure:

- a) a commitment to comply with all relevant asbestos legislation and Health and Safety Executive, approved codes of practice and relevant guidance notes;

³ Unless specifically stated in a lease or other agreement.

- b) the prevention of exposure to risks associated with asbestos containing material;
- c) any asbestos containing materials that may be present in any of its buildings are monitored and maintained in a condition so as to prevent the possibility of any harm to health occurring;
- d) all buildings, pre 2000, are subject to an asbestos management survey programme and an **asbestos register** for these buildings is prepared and maintained. This register, held centrally and on site, will undergo regular reviews and will be updated after any treatment and/or removal works have been undertaken;
- e) asbestos containing waste is managed in accordance with regulation 24 (*management of asbestos waste*) and Schedule 2 (*special provisions on the labelling of articles containing asbestos*) of The Control of Asbestos Regulations 2012 and the Special Waste Amendment (Scotland) Regulations 2004⁴;
- f) that only accredited asbestos bodies are used for asbestos surveying works, asbestos air testing and asbestos analysis work;
- g) that an appropriate asbestos refurbishment or demolition survey strategy is in place in accordance with current legislation;
- h) the provision of adequate personal protective equipment for employees, as indicated through suitable and sufficient risk assessment for any relevant activity, including the storage and handling arrangements of the same;
- i) emergency procedures are established for dealing with unexpected release of asbestos fibres and for unexpected exposure to asbestos or asbestos containing materials.
- j) any unplanned release of, or exposure to, asbestos fibres is reported to Corporate Health and Safety immediately on the SHE adverse event reporting system and verbally by telephone (Corporate Health and Safety will investigate all asbestos events and notify the enforcing authorities, as appropriate);
- k) employees who may have been exposed to asbestos are referred to the Council's Occupational Health provider;
- l) appropriate written procedures are in place for the management of contractors working with, or potentially exposed to, asbestos;
- m) that appropriate asbestos training is provided to management and employees;
- n) a suitable number of Asbestos Officers for Facilities Management undertakings are appointed;
- o) any unplanned release of asbestos fibres or unplanned exposure is immediately reported to Corporate Health and Safety and internally within the Directorate/Division.
- p) responsibilities for managing asbestos are clearly set out in lease agreements between the Council and third parties (whether buildings are leased from or to the Council);
- q) the provision of safety information and guidance to members of the community who inadvertently bring possible asbestos related products to our recycling sites, and
- r) sufficient resources are made available to implement their responsibilities

⁴ Asbestos waste is 'Special Waste' when it contains more than 0.1 % asbestos.

under this Policy.

4.5.2 The AMS for all corporate properties shall be continually monitored for effectiveness and reviewed annually by the Service Director: Operational Services.

4.5.3 As part of the AMS arrangements, the Service Director: Operational Services, shall form a Service Area asbestos committee, meeting not less than every 8 weeks, to discuss the performance of the AMS and other issues relevant to asbestos safety. The membership of this committee will include a representative from Corporate Health and Safety and Employee Safety Representatives.

4.6 **Service Director: Housing, Family Support and Fair Work**

4.6.1 The Service Director: Housing, Family Support and Fair Work has responsibility for the management of asbestos in domestic Council buildings and assets (and in most of the domestic housing portfolio, will also be the duty holder). The Service Director: Housing, Family Support and Fair Work will design and implement, a written Service Area asbestos management system (AMS) with procedures that ensure:

- a) a commitment to comply with all relevant asbestos legislation and Health and Safety Executive, approved codes of practice and relevant guidance notes;
- b) the prevention of exposure to risks associated with asbestos containing material;
- c) the provision of adequate personal protective equipment for employees, as indicated through suitable and sufficient risk assessment for any relevant activity, including the storage and handling arrangements of the same.
- d) That any asbestos containing materials that may be present in any of its buildings, (or common parts where the Council is responsible) are monitored and maintained in a condition so as to prevent the possibility of any harm to health occurring;
- e) all buildings, pre 2000, are subject to an asbestos management survey programme and an **asbestos register** for these buildings is prepared and maintained. This register, held centrally and on site (where appropriate), will undergo regular reviews and will be updated after any treatment and/or removal works have been undertaken⁵;
- f) that only accredited asbestos bodies are used for asbestos surveying works, asbestos air testing and asbestos analysis work;
- g) that an appropriate asbestos refurbishment or demolition survey strategy is in place in accordance with current legislation, ensuring a written scheme of work is completed prior to any planned work with asbestos containing materials.
- h) appropriate written procedures are in place for the management of contractors working with, or potentially exposed to, asbestos;
- i) ensure that appropriate asbestos training is provided to management and

⁵ as part of planned project work, conducting a minimum 20% representative survey of each architectural housing type to identify the location, type and condition of asbestos.

- employees;
- j) the provision of information to tenants and landlords regarding the management of asbestos in Council buildings and Council housing;
- k) a suitable number of Asbestos Officers for Housing, Family Support and Fair Work undertakings are appointed;
- l) emergency procedures are established for dealing with unexpected release of asbestos fibres and for unexpected exposure to asbestos or asbestos containing materials;
- m) any unplanned release of, or exposure to, asbestos fibres is reported to Corporate Health and Safety immediately on the SHE adverse event reporting system and verbally by telephone (Corporate Health and Safety will investigate all asbestos events and notify the enforcing authorities, as appropriate);
- n) employees who may have been exposed to asbestos are referred to the Council's Occupational Health provider.
- o) responsibilities for managing asbestos are clearly set out in lease agreements between the Council and third parties (whether buildings are leased from or to the Council); and
- p) sufficient resources are made available to implement their responsibilities under this Policy.

4.6.2 The Housing, Family Support and Fair Work AMS shall be continually monitored for effectiveness and reviewed annually by the Service Director.

4.6.3 As part of the AMS arrangements the Service Director: Housing, Family Support and Fair Work will form a Service Area asbestos committee, meeting not less than every 8 weeks, to discuss the performance of the AMS and other issues relevant to asbestos safety. The membership of this committee will include a representative from Corporate Health and Safety, Place (Management) and Employee Safety Representatives.

4.6.4 Housing, Family Support and Fair Work specialist resources will be made available to Place Management upon request to provide guidance and advice on asbestos issues.

Note: Any artefact held in storage or within cultural venues, i.e. museums, etc. that contain asbestos will come within the AMS of the relevant Service Area.

4.8 **Directorate/Divisional Asbestos Officers**

4.8.1 Asbestos Officers provide specialist advice to Directorates/Divisions. They are responsible for, but not limited to:

- a) maintaining the Directorate/Divisional asbestos management system;
- b) maintaining asbestos management plans, records, and survey reports;
- c) ensuring that condition monitoring is carried out at least annually;
- d) ensuring Asbestos Registers are in place;
- e) providing expert advice to responsible parties on the management of asbestos;
- f) maintaining a record of reportable incidents; and ensuring they are recorded on SHE;

- g) where required, assisting Corporate Health and Safety in the investigation of adverse asbestos events;
- h) commissioning asbestos plans, surveys, condition monitoring, sample testing and air testing analysis by competent providers in compliance with relevant legislation and guidance;
- i) commissioning removal and disposal, or encapsulation of asbestos containing materials by licenced contractors in compliance with relevant legislation and guidance;
- j) identifying poor or best practice with the relevant Directorate/Division,
- k) provision of bespoke asbestos training, as required; and,
- l) maintaining competence through continuous professional development.

4.9 **Head of Health and Safety**

4.9.1 The Council Head of Health and Safety is responsible for:

- a) defining the content of this Policy and reviewing it after any major incident, and updating it as necessary;
- b) providing guidance, interpretation and materials as required, to help achieve compliance with this Policy;
- c) ensuring all reported asbestos-related adverse events are investigated, as appropriate;
- d) ensuring all notifiable asbestos-related incidents are reported to the Health and Safety Executive;
- e) providing asbestos awareness training to relevant staff, as part of the corporate health and safety training schedule;
- f) defining the minimum required compliance information / metrics that should be used to continually evaluate compliance, and reporting onwards appropriately; and
- g) ensuring consultation with employees and their trade union representatives on health and safety matters, including asbestos.

4.10 **Line Managers**

- 4.10.1 Employees that manage staff in any capacity are responsible for promoting good asbestos safety practices in the workplace, challenging inappropriate behaviors and recognising good practices within their teams. Specifically, they will ensure;
- a) that the Policy and appropriate Service Area AMS is communicated, understood and followed by their direct reports and others under their control;
 - b) that appropriate asbestos training is conducted for their direct reports and others under their control, and records are maintained;
 - c) all adverse events or conditions are reported to their line manager and on the Council's SHE adverse event reporting system; and
 - d) the referral of any employee to Occupational Health who has been inadvertently exposed to asbestos fibres; records to be retained for 40 years by the Occupational Health provider.

4.11 All Employees

4.11.1 Everyone has a responsibility for their own health and safety, as well as that of others who may be affected by their work, acts or omissions. Everyone has the right not to proceed with any activity if they feel it poses a danger to their safety or that of others, and they must immediately raise their concerns with their line manager.

Employees will:

- a) take reasonable care of themselves and co-operate with the Council on the measures taken to mitigate against the exposure to, or release of, asbestos fibers.
- b) carry out their work safely and in accordance with this Policy and the Service Area AMS;
- c) not interfere with or misuse any equipment provided for the purposes of safety;
- d) use equipment (including personal protective equipment) only for its intended purpose and report any faulty, damaged or unsafe equipment to their line manager/supervisor;
- e) report any personal injury and work-related ill health, and accident or incident (including 'near misses') immediately to their line manager, and assist with any subsequent investigation, including co-operating fully with the provision of witness statements and any other evidence that may be required;
- f) undertake asbestos training and induction, when required; and
- g) bring any breaches of this Policy, Service Area AMS or local health and safety arrangements to the attention of their line manager or building/site duty holder.

4.12 Contractor Management

4.12.1 It is the responsibility of the contract owner within the Service Area to manage and control the activities of contractors. Specifically, contract owners shall:

- a) ensure that contractors have undergone appropriate and robust checks, and are deemed competent, suitable and fit to undertake work for the Council;
- b) provide contractors with all necessary information, including this asbestos Policy and relevant AMS to ensure their safety and the safety of others within the building or site;
- c) ensure contractors adhere to the local arrangements within the building/site and to make such arrangements with the duty holder to maintain these whilst in the building/site;
- d) ensure that all contractors have provided the necessary health and safety control documents (e.g. health and safety risk assessments, method statements, survey reports, etc.);
- e) plan, resource, manage and supervise the contract, as appropriate, (including operating an access/permit to work, etc. system), proportionate with the level of risk.
- f) comply with the requirements of the Control of Asbestos Regulations 2012 and approved codes of practice, where appropriate;
- g) ensure that all contractor personnel co-operate with any incident investigation on the part of the Council, including the provision of witness evidence; and

- h) inform their Council contract owner if they have any special need or requirement for their personal safety (relevant protected characteristic) whilst engaging with the Council.
- 4.13 In addition to Directorate/Divisional asbestos committees, the Service Directors of relevant Divisions shall meet on a six-monthly basis to discuss common asbestos issues and events involving asbestos throughout the Council, including best operational practice and enforcement engagement. This committee will be chaired, cyclically by each Service Director and will comprise of Directorate/Divisional asbestos specialists, managers and Corporate Health and Safety.

5.0 Implementation

- 5.1 This Policy supersedes the Council Managing Asbestos Policy dated 03 Oct 2017.
- 5.2 Implementation will be effective from 05 October 2021.

6.0 Integrated Impact Assessment

- 6.1 This policy has been assessed as beneficial to employees and the community with no negative integrated impact implications.

7.0 Risk Assessment

- 7.1 Failure to adopt this policy and contents carry the following risks;
- Inhalation of asbestos fibres can result in long term asbestos related diseases including lung cancer and malignant mesothelioma, and non-malignant disorders such as asbestosis.
 - The potential impact of failure to manage asbestos also includes legal liabilities, regulatory censor, financial losses, business disruption and reputational damage.

8.0 Review

- 8.1 In line with the Council's Policy Framework this policy will be reviewed every three years or more frequently if required or best practice materially changes.