

# Policy for the Management of Asbestos in Council Premises (Corporate and Housing)



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## 1. Policy Statement

1.1 This policy is designed to provide a clear acknowledgement of the responsibilities that Waverley Borough Council (WBC) has in relation to the management of asbestos and its approach to the management of asbestos within the properties it has responsibility for.

### 1.2 Policy Aims And Key Objectives

The aims and objectives of this policy are summarised as follows:

- provides clear lines of responsibility within WBC for the management of asbestos;
- specifies individual responsibilities in the management of asbestos;
- provides a commitment to communication with customers regarding asbestos;
- clarifies the WBC approach to surveying properties and;
- establishes the Asbestos Management Group (AMG) – which will review and monitor all areas of compliance.

## 2. Introduction

2.1 The purpose of this document is to set out The Council's policy for identifying and managing asbestos within its premises, to ensure that systems are in place when work is to be carried out to the structure, to ensure that systems are in place in the event of an emergency (uncontrolled release of asbestos fibres) and to demonstrate compliance with its legal obligations under health and safety legislation. This includes disseminating appropriate information to anyone who may disturb an asbestos containing material within a Council property, either deliberately or accidentally.

2.2 The objectives set out within this Policy are further expanded upon within the Council's Asbestos Management Plan to provide a practical interpretation as to how the Council will undertake the management of asbestos within the properties it manages.

2.3 It is a requirement that the Council, its employees, contractors and residents take all reasonable steps to comply with the management systems defined in this document as well as the Asbestos Management Plan and related procedures.

## 3. Scope of Asbestos Policy

3.1 This policy applies to all properties within both the Council's Corporate and Housing portfolios.

3.2 The two portfolios include the following property types:

### **Social Housing Properties**

- Houses
- Flats and flat blocks
- Maisonettes
- Bungalows
- Bedsits
- Elderly person (sheltered) housing units
- Community rooms
- Garages

**Corporate Properties**

- Office buildings
- Leisure centres
- Day centres (where applicable)
- Museums
- Pavilions
- Stores / Depots
- Bus shelters
- Commercial properties
- Public conveniences

3.3 The Council acknowledges and accepts its responsibilities under the Health and Safety at Work Etc. Act 1974, and the Control of Asbestos Regulations (CAR) 2012 to identify and to safely manage Asbestos Containing Materials (ACMs) on its premises. Approved Codes of Practice and guidance information published by the Health and Safety Commission and Executive shall be taken as the adopted standard. Primary guidance relevant is listed under section 20 of this Policy.

**4. Duty to Manage**

4.1 The duty to manage asbestos in Regulations 4 of the Control of Asbestos Regulations 2012 usually rests with the person(s) in control of alterations, maintenance and repairs to non-domestic premises, whether that is the occupier(s) or landlord, sub-lessor or managing agent. If no such obligation exists; e.g. where there is no tenancy agreement or contract, or where the premises is unoccupied, then the regulations place the duty on the person(s) in control of the premises, which is usually the owner/leaseholder. Throughout the Regulations, this person(s) is referred to as the “duty holder”.

**5. Duty Holders**

- 5.1 It is the duty of Council staff as well as its contractors to ensure this policy is fully implemented.
- 5.2 The Council officers listed below have regular and direct control/responsibilities over the management of asbestos matters in respect of both Corporate and Social Housing properties within Waverley Borough Council:

<b>Executive Director</b>	
<b>Corporate Properties</b>	<b>Housing Properties</b>
<b>Director of Operations</b>	<b>Director of Operations</b>
Head of Customer, IT & Office Services	Head of Housing Operations
Property and Engineering Manager	Property Services Manager
Appointed Persons	Health & Safety Compliance Officer
	Asbestos Officer
	Appointed Persons

5.3 Whilst not having direct responsibilities for managing asbestos the following officers and teams will be visiting WBC properties and will consequently have a role in practically assisting with the management of asbestos containing materials (ACMs). They will therefore receive Asbestos Awareness training on an annual basis.

<b>Corporate Properties</b>	<b>Housing Properties</b>
Facilities Manager	Contract Manager
Facilities Assistants	Surveyors
	Clerks of Works
	Area Inspectors
	Head of Strategic Housing and Delivery
	Tenancy & Estates Team
	Housing Needs Team
	Sheltered Housing Managers & Staff

5.4 Further detail regarding duty holder's roles and responsibilities and an organogram of key duty holders/responsible persons, can be found at **Appendix 1**.

The WBC staff asbestos training Matrix (including repeat cycles) is detailed within the WBC Asbestos Management Plan.

## 6. Asbestos Surveying

6.1 The first step in managing the risk from ACMs is to undertake a suitable and sufficient assessment as to the presence of ACMs, their location, asbestos fibre content, product type, and condition (i.e. a Material Assessment) together with an assessment of the risk of that material to cause harm based on accessibility and the activities carried out in the area around the ACM (i.e. a Priority Assessment).

6.2 The Council undertakes to provide a 'Management' (non-invasive) survey of every property within the Corporate and Housing Portfolios.

6.3 'Refurbishment & Demolition' (invasive) surveys will be carried out to those parts of any building where refurbishment (or demolition) works are proposed.

Re-inspections of identified ACMs will be carried out at regular intervals as directed by the relevant duty holder/responsible person and in compliance with the Council's re-inspection protocol, based on a risk assessment approach. Irrespective, all materials within communal (non-domestic) areas will be re-inspected annually. It is the intention therefore that changes in the condition of ACMs and thereby potential changes in risk will be identified through this process.

## 7. Individual Asbestos Management Plans

7.1 The actions required to manage the ACMs within an individual building (the 'Asbestos Management Plans') will be informed by the asbestos survey and associated recommendations provided. The plan will identify the risk and prioritise actions in individual properties (i.e. remove/ encapsulate/ label/ re-inspect).

## **8. Asbestos database and Risk Assessment**

- 8.1 The asbestos Database is common to both Corporate and Housing properties and is stored in an electronic format accessible by staff and contractors.
- 8.2 Staff and contractors must utilise the information in the asbestos database before carrying out works, in order to inform their risk assessment.
- 8.3 Where no asbestos database information can be made available to staff or contractors (i.e. some responsive repairs works) the staff or contractors will carry out a further risk assessment, to include the potential risk from ACMs, before starting any works. The result of the risk assessment will determine the next course of action. Risk assessments must be recorded in an approved form and made available for review and audit.
- 8.4 The Council will ensure that staff have in place the appropriate training on asbestos awareness and risk assessment procedures.
- 8.5 Where work is of a pre-planned and intrusive nature (for example: structural repairs, voids, kitchen and bathroom upgrades, re-wiring, roofing etc), the asbestos report will be provided to the contractor before commencement of works.

## **9. Asbestos Training / Awareness**

- 9.1 The Council has agreed that the minimum standard of Asbestos Awareness Training for its staff and contractors shall be either UKATA (UK Asbestos Training Association) or IATP (Independent Asbestos Training Providers). Refresher training will take place on an annual basis. The Council will audit whether annual asbestos related training has been provided by the contractors employed by the Council to all operatives working upon WBC property.

## **10. Procurement**

- 10.1 The Council will only use services of asbestos removal contractors who have been issued with an 18-month license by the Health and Safety Executive.
- 10.2 At procurement stage, the Council will require a contractor's asbestos policy where applicable, in order to assess it's appropriateness for the work to be undertaken.

## **11. Information Sharing**

- 11.1 The Council maintains a procedure for informing people about the presence of asbestos. This will include but is not limited to:
  - Staff
  - Contractors
  - Tenants (see a below)
  - Leaseholders (see b below)
  - 'Right to Buy' applicants (see c below)
  - Home improvement applicants (see section 12 below)
  - Members of the public (only where a need to know exists)

11.2 When a home is surveyed for the first time the tenants of the property will be sent a copy of the asbestos report for their home together with our booklet 'Asbestos in the Home'. Also where a re-inspection shows a change they will also be sent a copy of the updated tenants report.

11.3 Leaseholders will be provided with the asbestos report for the communal parts of their building (where applicable) and these will also be updated when there is a change.

11.4 Upon receipt of a Right to Buy application we will provide from our records a report or commission a new asbestos survey for the property. This report will be shared with the applicant(s)

## **12. Home Improvement Applications**

12.1 The Council will review all new Home Improvement Applications against the database. Where no asbestos survey report exists one will be commissioned. If the work involves invasive works, a targeted Refurbishment & Demolition survey will be carried out. The Council will carry out all asbestos enabling works for approved improvement requests. However, reinstatement works following asbestos removal works or damaged décor is the responsibility of the tenants.

## **13. Asbestos Incident**

13.1 Where it has been reported that ACMs may have been disturbed or damaged the Council's emergency procedures will be activated. A qualified asbestos person will respond immediately and be on site as soon as practicable, to assess and request a specialist asbestos contractor to attend where appropriate. Liaison will take place with any tenants, staff and contractors on site and an independent UKAS (United Kingdom Accreditation Service) air reassurance test will be commissioned.

## **14. Asbestos contractors**

14.1 The Council will use licensed asbestos contractors to provide asbestos related services, for the effective management of asbestos risks.

## **15. Labelling of Asbestos Containing Materials (ACMs)**

15.1 ACMs will generally not be labelled in Housing properties.

15.2 ACMs in Corporate properties that the Council owns or manages will generally be labelled. These will be checked and re-applied as necessary during the ACM re-inspection surveys.

## **16. Health surveillance**

16.1 The Council will carry out bi-annual health checks for its qualified asbestos persons directly involved with responding to asbestos incidents.

16.2 The Council retains asbestos records and information for a minimum of five years or as required to meet future changing legislation.

- 16.3 Where there is an incident that may affect people's health, the Council will retain factual records and circumstantial observations concerning that possible exposure, for a minimum of 40 years from the date of the incident.

#### **17. Monitoring**

- 17.1 The Council will closely monitor works by contractors and tenants to ensure compliance.
- 17.2 The Council will monitor and review risk assessments (RAs) for proposed, pre-planned works to ensure that they meet the Council's standards. As per section 8, such RAs will be made available for review and audit, followed by work in progress inspections.
- 17.3 The Council will monitor the usage of the asbestos database.
- 17.4 The Council will undertake checks of Risk Assessments and associated Method Statements on responsive repairs, on a sample basis.
- 17.5 The Council will require contractors to provide evidence that asbestos awareness training and annual refreshers has been undertaken.
- 17.6 The Council requires contractors to provide management reports of their operative's compliance with the policy.
- 17.7 Any breach of this policy and its procedures is to be reported by staff and contractors to the relevant Manager and Head of Service (as set out in table 1 on page 4).

#### **18. Asbestos Management Group (AMG)**

- 18.1 This will include both operational and management staff from Corporate and Housing sections of the council. It will meet on a quarterly basis to monitor and ensure adherence with the WBC asbestos Policy, Management Plan and associated detailed procedures/protocols. The Group will be chaired by the Head of Housing Operations and the minutes distributed to the Council's Corporate Management Team.

#### **19. Corporate Risk Register/Audit**

- 19.1 Asbestos is identified as a separate risk on the Council's corporate risk register and as such will be reviewed on an annual basis. In addition to the AMG's activity, the Council's internal audit service will ensure there is a regular review of the implementation of the policy, management plan and procedures by its staff and contractors. The outcome of internal audits will be reported to the AMG.

#### **20. Reference Legislation, Approved Codes of Practice (ACoPs) and Guidance Documentation**

- 20.1 The following documents have been identified as being significantly relevant to managing risks from asbestos containing materials, and further information on any document below can be obtained from directly from the HSE.

##### 20.1. Relevant Legislation

- The Health and Safety at Work Act 1974.
- Control of Asbestos Regulations 2012.
- The Management of Health & Safety at Work (Amendment) Regulations 2006.
- Workplace (Health, Safety and Welfare) Regulations 1992.

- Hazardous Waste Regulations 2005.
  - Construction (Design and Management) Regulations 2007.
  - Control of Substances Hazardous to Health Regulations 2002.
- 20.2. Approved Codes of Practice (ACoP) (Health & Safety Commission)
- ACoP L127 – ‘Management of asbestos in non-domestic premises’.
  - ACoP L143 - ‘Work with materials containing asbestos’.
  - MDHS100 – ‘Surveying, sampling and assessment of asbestos containing materials’, holds ACoP status and was superseded in January 2010 by the following document,
  - HSG 264 – ‘Asbestos: The survey guide’, holds ACoP status.
- 20.3. Guidance Documents (Health & Safety Executive)
- HSG247 – ‘Asbestos: The licensed contractors’ guide.
  - HSG248 – ‘Asbestos: The analysts’ guide’.
  - HSG189/2 – ‘Working with asbestos cement’.
  - HSG213 – ‘Introduction to asbestos essentials (First Edition)’.
  - HSG210 – ‘Asbestos essentials task manual (Second Edition)’.
  - HSG33 – ‘Health and safety in roof work (First Edition)’.  
(Covers asbestos cement roof demolition).
  - HSG227 – ‘Comprehensive guide to managing asbestos in buildings’.
  - EH51 – ‘Respiratory equipment for use in removing asbestos’.



**Appendix 1**

**Duty Holder roles and responsibilities**

**Executive Director**

Ultimately responsible for ensuring the implementation of the Policy at all levels within the organisation and the provision of adequate resources to meet the requirements of that policy.

**Director of Operations**

Responsible for ensuring that all relevant Heads of Service have implemented the Policy within their Services.

**Head of Housing Operations**

Is responsible for:

- the implementation of the Policy within their Service
- Chair the Asbestos Management Group
- monitoring the adherence of the Policy and is required to report any non-compliance to the Asbestos Management Group and CMT.

**Property Services Manager**

Is responsible for:

- the implementation and adherence to the Policy within their Team
- ensuring that all housing properties have an asbestos report, which is reviewed in accordance with the level of risk
- implementation of the asbestos emergency procedures
- ensuring that all requirements from the asbestos reports are completed
- ensuring that there is a system in place to make all employees aware of the contents of the asbestos management plan for the buildings they work in, where it is possible or likely that they will come into contact with ACMs
- engaging a competent asbestos surveyor to undertake asbestos surveys within the properties that they are responsible for
- informing the Head of Housing Operations, of any problems with implementing asbestos management plans for a building or acting on any recommendations or requirements following implementation of the plan.

**Head of Customer, Office & IT Services**

Is responsible for:

- the implementation of the Policy within their Service
  
- monitoring the application and adherence of this policy and is required to report any non-compliance to the Asbestos Management Group and CMT.

**Property & Engineering Manager**

Is responsible for:

- the implementation of the Policy within their Team
  
- ensuring that all operational properties within their portfolio have an asbestos management plan, which is reviewed in accordance with the level of risk
  
- ensuring that all requirements from the asbestos report are completed.
  
- ensuring that there is a system in place to make all employees aware of the contents of the asbestos management plan for the buildings they work in, where it is possible or likely that they will come into contact with ACMs
  
- engaging a competent asbestos surveyor to undertake asbestos surveys within the properties that they are responsible for
  
- informing the Head of Housing Operations and Head of Customer, Office and IT Services, of any problems with implementing asbestos management plans for a building or acting on any recommendations or requirements following implementation of the plan.

**Appointed Person for a building**

Is responsible for:

- the implementation of the Policy within their premises
  
- ensuring they carry out any actions attributed to the Appointed Person within the plan

- ensuring that all employees are aware of the contents of the asbestos management plan for the building they work in, where it is possible or likely that they will come into contact with ACMs
- ensuring that all building maintenance workers or other contractors who might work on the fabric of the building are aware of the asbestos management plan before they commence work
- stopping work where the building maintenance worker or contractor has not viewed the asbestos management plan or where they have continued to work where known ACMs are present or where they have come across unsuspected ACMs or where they have encountered unknown material. The relevant Property Team must be contacted immediately
- ensuring that any risks they become aware of relating to the fabric of council premises are suitably reported
- reporting any concerns with the management of asbestos in the premises to their Head of Service.
- Ensure their asbestos awareness training is current

**Surveyors, building maintenance workers and other contractors who work on the fabric of the building**

Are responsible for:

- ensuring they are aware of the asbestos report for any premises being visited
- providing the appropriate risk assessment and method statement prior to commencing any works that could affect the fabric of the building
- stopping work if they come across suspected ACMs or where they have encountered unknown material and being aware of the emergency procedures.
- reporting any concerns relating to asbestos management and control to the Appointed Person for the building or their council contact in the relevant property team.

**Employees**

Are responsible for:

- ensuring they complete any actions given to them by the Appointed Person, with regard to the asbestos management plan for the premises
- ensuring that any risks they become aware of relating to the fabric of council premises are suitably reported to the Building Manager or Appointed Person. This includes any unexpected building work
- Reporting any concerns with the management of asbestos in the premises to their line manager.

**Asbestos Officer**

Is responsible for:

- Project management of the asbestos removal process, including liaison with Tenants, Licensed Contractors, Supervisory License Holders inc. reviewing documentation and carrying out quality assurance work.
- Responsible for the development, maintenance, quality and effectiveness of the asbestos management programme to ensure it meets all legislative requirements and industry standards.
- To provide technical advice and support regarding asbestos identification, hazard evaluation and associated control measures related to asbestos for planned and responsive works. Dealing with asbestos incidents in conjunction with the Councils appointed specialist asbestos contractors and consultants.
- Monitoring the asbestos training programmes of both Council staff and contractors and provide ongoing asbestos refresher training.
- Manage and monitor the annual risk-based re-inspection of identified ACMs.
- To manage the Asbestos Survey Program in consultation with the Asbestos Management Group and Safety Compliance Manager.

- **Health Safety Compliance Officer (Housing)**
  - Ensure WBC staff visiting properties have access to the appropriate PPE and RPE equipment.
  - To provide oversight of Health & Safety issues for Housing (recognising the scale of the Council's stock) to ensure that asbestos policy and management plans are robustly followed.
  - To oversee the contract for asbestos removal services and management the asbestos survey programme.

### Framework of responsibility for control of asbestos in Waverley Borough Council premises



