



**EAST RIDING**  
OF YORKSHIRE COUNCIL

## Policy on Managing Asbestos

<b>Lead Directorate and Service:</b>	Corporate Resources - Human Resources, Safety Services
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## 1. Background

- 1.1 The Control of Asbestos Regulations 2012 came into force on 6 April 2012, updating previous asbestos regulations and applies to work with asbestos in particular to work which disturbs or is liable to disturb materials containing asbestos.
- 1.2 Asbestos was extensively used as a building material in the UK from the 1950s through to the mid-1980s with large amounts being used in new and refurbished buildings before the year 2000. It was used for a variety of purposes including fireproofing and insulation. Any building built before 2000 (houses, factories, offices, schools, hospitals etc) has the potential to contain asbestos. The use of asbestos has however been prohibited in the UK since the year 2000.
- 1.3 The risks will vary with circumstances and can arise for normal occupation of a building or from inadvertent disturbance during the repair, refurbishment, and demolition of premises.
- 1.4 Three main types of asbestos were commonly used:
  - (a) Crocidolite (commonly known as blue asbestos),
  - (b) Amosite (commonly known as brown asbestos) and,
  - (c) Chrysotile (commonly known as white asbestos).
- 1.5 Asbestos materials which remain in good condition are safe unless asbestos fibres become airborne, which can happen if the materials become damaged or deteriorate. When these fibres become airborne they can be inhaled and have the potential to cause a number of serious diseases. Asbestos is classified as a category 1 carcinogen.
- 1.6 It can be a number of years after initial exposure before the first symptoms of asbestos related disease present themselves. It is therefore vitally important that asbestos and any potential exposure is managed in an effective manner.
- 1.7 This policy on managing asbestos provides information on the legal duty to manage asbestos in accordance with Regulation 4 of the Control of Asbestos Regulations 2012. The Council recognises the health hazards that can arise from exposure to asbestos and the legal and financial consequences arising from inadequate management of asbestos.
- 1.8 The specific 'duty to manage' requirement under the Control of Asbestos Regulations 2012 does not apply to any domestic property. However the duty to manage asbestos does extend to common parts of domestic premises, including housing developments and blocks of flats. Legal precedents have established that common parts of flats are classified as non-domestic and include the common parts of both purpose-built blocks of flats and in some cases conversions to flats. Examples of common parts include foyers, corridors, lifts and lift shafts, staircases, boiler houses, vertical risers, gardens, yards and outhouses.
- 1.9 Regardless of the fact that Regulation 4 does not apply to all areas of the Council's housing stock, the general duties under the Health and Safety at Work etc Act 1974 still apply and require the Council to ensure the health and safety of its employees and others so far as reasonably practicable. The Management of Health and Safety at Work Regulations 1999 also require the Council to assess the health and safety risks to employees and contractors carrying out work in the premises, and tenants who may be affected by activities. Therefore sufficient information about the location and type of asbestos containing materials (ACMs) must be made available in order to allow effective management of the risks during any refurbishment or maintenance work.

- 1.10 The Council will take all reasonable measures to manage asbestos in accordance with regulations so as to protect employees and others from exposure to asbestos to minimise financial loss.

## **2. Foreword**

- 2.1 In accordance with the Council's Corporate Safety Policy, the Council is committed to pursuing continual improvements in health and safety. This policy supports this commitment and forms part of the Council's Health and Safety Management System.

## **3. Implementation**

- 3.1 Directorates are responsible for the implementation of this policy, and communication of its content as appropriate. The primary aim is to raise safety awareness, and prevent exposure of employees and others to asbestos.
- 3.2 This policy is available on the Safety Services intranet page, and where employees do not have access to the Council's intranet via their line manager/headteacher.
- 3.3 The Council relies on the co-operation of all employees, and trades unions for the successful implementation of this policy.
- 3.4 A review of this policy will be undertaken three years after its implementation, and where significant changes in legislation or working practices deem this appropriate.

## **4. Duties and Responsibilities**

- 4.1 The Chief Executive is ultimately responsible for ensuring that the Council manages the control of asbestos and achieves legal compliance.
- 4.2 To achieve this, the Head of Asset Strategy has been given overall budgetary and managerial responsibility for the implementation of appropriate systems to ensure asbestos is managed in accordance with the requirements of the Control of Asbestos Regulations 2012 and to act as the main duty holder under these regulations within Council owned or controlled non-domestic property excluding schools where the duty to maintain school premises is discharged to the school through the provision of a delegated budget.
- 4.3 The Head of Housing, Transport and Public Protection has been given overall responsibility for the implementation of appropriate systems to ensure asbestos is managed in accordance with the requirements of the regulations, and to act as the main duty holder under these regulations within the Council's housing stock.
- 4.4 The Group Manager, Environmental Services is responsible for managing the Council's response to both household disposal and illegal disposal of asbestos and asbestos containing materials in accordance with the Regulations and acts as the main duty holder under these regulations in this regard.
- 4.5 Other managers and headteachers have budgetary and managerial responsibility for the implementation of statutory requirements for managing the control of asbestos within premises they control.

## **4.6 Directors and Heads of Service**

4.6.1 Directors and Heads of Services are responsible and accountable to the Chief Executive for ensuring this policy is issued to their management team.

## **4.7 Head of Asset Strategy**

4.7.1 The Head of Asset Strategy is responsible for putting in place appropriate management arrangements to ensure asbestos is managed in accordance with the requirements of the Control of Asbestos Regulations 2012 and acts as the main duty holder under these regulations within Council owned or controlled non-domestic property.

4.7.2 In accordance with regulation 4 (duty to manage), the Head of Asset Strategy as the person in control of budgetary and maintenance activities for Council premises/assets, excluding schools (where the duty to maintain school premises is discharged to the school through the provision of a delegated budget) is responsible for ensuring that:-

- (a) Reasonable steps are taken to find materials in premises likely to contain asbestos by carrying out an assessment to determine whether asbestos is present and determining its condition.
- (b) A presumption is taken that materials contain asbestos unless there is strong evidence to suppose they do not.
- (c) Appropriate management surveys are undertaken and updated at agreed five yearly intervals or where there is a change.
- (d) Records of the location and condition of asbestos and presumed asbestos-containing materials (ACMs) in all non-domestic premises is kept up to date and the results of the assessment are recorded on the Council's asbestos management software and passed on to the occupier (manager) of the premises.
- (f) Refurbishment/demolition surveys are undertaken where the premises or part of them require upgrading, refurbishment or demolition. Surveys will be undertaken by a competent non licensed contractor in accordance with the regulations and supported by a licensed contractor where this work is likely to exceed the short term exemption.
- (g) Bids for works associated with refurbishment or demolition are put forward for consideration by the Chief Officers management team
- (h) The risk of the likelihood of anyone being exposed to these materials is assessed by a competent person to ensure that the Council's employees are not put at risk by exposure to asbestos products which may exist within a building.
- (i) An officer from Infrastructure and Facilities is designated as the Corporate Asbestos Monitoring Officer (CAMO).
- (j) A plan is prepared to manage that risk and put it into effect to ensure that:
  - (i) any material known or presumed to contain asbestos is kept in a good state of repair;
  - (ii) any material that contains or is presumed to contain asbestos is, because of the risks associated with its location or condition, repaired or if necessary removed;
  - (iii) information on the location and condition of the material is given to anyone potentially at risk of exposure.

## **4.8 Corporate Asbestos Monitoring Officer**

4.8.1 The Corporate Asbestos Monitoring Officer (CAMO) within Infrastructure and Facilities will be responsible for:-

- (a) Maintaining up to date records of the location and condition of asbestos and presumed ACMs on the Council's asbestos management software package. Ensuring (where asbestos surveys are undertaken by Infrastructure and Facilities in all relevant premises), that a copy of the survey is passed on to the occupier (manager/headteacher) of the premises.
- (b) Advising on asbestos management plans and any outcomes arising from condition monitoring.
- (c) Advising on necessary control measures including management (and where required) removal of asbestos containing materials.
- (d) Managing the Council's response to any emergency involving the release or potential release of asbestos fibres in conjunction with Safety Services.
- (e) Investigation and reporting under RIDDOR (where necessary) any incident involving the uncontrolled release of asbestos.
- (f) Advising on training requirements for Council staff.
- (g) Assist Safety Services in the preparation of asbestos policy and guidance.
- (h) Regularly liaise with the Housing Asbestos Monitoring Officer.
- (i) Manage the Infrastructure and Facilities programmed workload with asbestos contractors to ensure appropriate notification of any licensable works to the health and safety executive.
- (j) Manage the Asbestos Management - Service Level Agreements (SLAs) between Infrastructure and Facilities and schools ensuring that survey results are received and recorded on the Council's asbestos management software.
- (k) Ensuring that the Head of Asset Strategy is kept informed in writing of all of the above on a quarterly basis and more immediately in the case of an emergency and that records as indicated above together with certification on the above are readily available for viewing and for detail or summary printable reports on request by the Head of Asset Strategy.

#### **4.9 Head of Housing, Transport and Public Protection**

4.9.1 The Head of Housing, Transport and Public Protection has responsibility for the implementation of appropriate systems to ensure asbestos is managed in accordance with the requirements of the Control of Asbestos Regulations 2012 and to act as the main duty holder under these regulations within the Council's housing stock.

4.9.2 In accordance with Regulation 4 (duty to manage), the Head of Housing, Transport and Public Protection as the person in control of the day to day delivery of maintenance activities as determined by the Strategic Investment and Development Manager within Asset Strategy where the budget is held for Council Housing maintenance for the Council's properties is responsible for ensuring that:-

- (a) Reasonable steps are taken to find materials in premises likely to contain asbestos by carrying out an assessment to determine whether asbestos is present and determining its condition.
- (b) A presumption is taken that materials contain asbestos unless there is strong evidence to suppose they do not.
- (c) Appropriate management arrangements are in place and proactive surveys of Council housing stock are undertaken in the form of archetypal surveys on a rolling programme in the form of a 10% sample and updated at five yearly intervals including the compilation of survey reports and labelling where necessary of identified asbestos products particularly in common parts of these premises.

- (d) Records of the location and condition of asbestos and presumed ACMs in the Council's housing stock, particularly the 'common areas' are kept up to date and the results of archetypal assessments are recorded and passed on to the housing asbestos monitoring officer and recorded on the Council's housing academy system.
- (e) Information on the location and condition of ACMs is given to anyone potentially at risk of exposure.
- (f) Refurbishment/demolition surveys are undertaken where dwellings or part of them require upgrading, refurbishment or demolition and that such works are undertaken by a competent person;
- (g) The risk of the likelihood of anyone being exposed to these materials is assessed by a competent person to ensure that the Council's employees are not put at risk by exposure to asbestos products which may exist within a dwelling.
- (h) An officer from Housing Maintenance Unit is designated as the Housing Asbestos Monitoring Officer (HAMO).
- (i) They monitor to ensure that the records produced by the HAMO are kept up to date on the Council's housing academy system including the results of archetypal assessments and regular condition monitoring.

#### **4.10 Housing and Safe Communities Group Manager**

4.10.1 The Housing and Safe Communities Group Manager is responsible for the day to day management of the Council's housing stock. He will report to the Head of Housing, Transport and Public Protection and the Strategic Investment and Development Manager as the maintenance budget holder within Asset Strategy, to ensure that asbestos in the Council's housing stock is managed in accordance with the requirements of the Control of Asbestos Regulations 2012 and therefore acts as a duty holder under these regulations ensuring that:-

- (a) They liaise with the Head of Housing, Transport and Public Protection, Head of Asset Strategy, the Housing Maintenance Unit Manager and the Council's Asbestos Monitoring Officer to ensure that asbestos in Council's housing stock; is managed in accordance with the requirements of the regulations.
- (b) Appropriate management arrangements are in place and proactive surveys of Council housing stock are undertaken in the form of archetypal surveys on a rolling programme in the form of a ten percent sample and updated at agreed five yearly intervals including the compilation of survey reports and labelling where necessary of identified asbestos products particularly in common parts of these premises.
- (c) Where the regulations dictate and/or where finances permit, identified asbestos containing materials are removed and/or replaced with non-asbestos alternatives as part of a rolling programme of improvement/refurbishment.
- (d) They monitor to ensure that the records produced by the Housing Maintenance Unit Manager are kept up to date on the Council's housing database including the results of archetypal assessments and regular condition monitoring.
- (e) Ensuring that the Head of Asset Strategy and the Strategic Investment and Development Manager within Asset Strategy is kept informed in writing of all of the above on a quarterly basis and more immediately in the case of an emergency and that records as indicated above together with certification on the above are readily available for viewing and for detail or summary printable reports on request by the Head of Asset Strategy.

## 4.11 Housing Maintenance Unit Manager

4.11.1 The Housing Maintenance Unit Manager is responsible for managing the day to day repair and maintenance of the Council's housing stock. They will be appointed as the Housing Asbestos Monitoring Officer (HAMO) and will be responsible for:-

- (a) Regularly liaising with the Corporate Asbestos Monitoring Officer and the Strategic Investment and Development Manager within Asset Strategy.
- (b) Keep records of the location and condition of asbestos and presumed ACMs in the Council's housing stock, particularly in 'common areas' and ensure these are kept up to date.
- (c) Ensure that the results of archetypal assessments and regular condition monitoring are recorded on the Council's housing academy system and made available to the Council's housing maintenance unit staff, housing officers and any other contractors working on Council properties.
- (d) Refurbishment and demolition surveys will be undertaken where refurbishment work or other work involving disturbing the fabric of the building is carried out. Refurbishment and demolition surveys will be carried out on a proportion of properties in any work programme. The ratio again will depend on asbestos variability within the housing stock and may be high where there is substantial variation. A proportion will be surveyed until the results demonstrate as far as reasonably practicable that there is consistency in the range of ACMs in the property type and there is an accurate picture of asbestos presence. The refurbishment and demolition survey will only be necessary in the specific area/location where the works will take place, eg cupboard, part of a room, kitchen/bathroom. However, further refurbishment and demolition surveys will be necessary in other locations when new improvement schemes are proposed. These localised refurbishment and demolition surveys will have the specific purpose of identifying ACMs for removal, control or avoidance during the refurbishment works.
- (e) Where demolition and refurbishment surveys are undertaken and asbestos is found in the fabric of the building that this information is used as the basis to undertake a archetypal survey in this type of property and the results are applied accordingly.
- (f) Where the regulations dictate identified ACMs are removed and/or replaced with non-asbestos alternatives as part of a rolling programme of improvement/refurbishment.
- (g) Where asbestos is identified as being in good condition, (surface coating intact and unbroken), it will be left in-situ and will be subject to specified management surveys/condition monitoring which will be undertaken by competent contractors and/or trained responsible housing/building maintenance unit officers as part of the 'duty to manage'.
- (h) Where asbestos is identified as being in a poor condition and beyond repair, unnecessary disturbance will be avoided, the area will be isolated/access to the affected area denied and the asbestos removed by a competent person/contractor, and the asbestos survey updated.
- (i) Asbestos collection points/bins are managed and disposed of through the appropriate waste streams in compliance with the relevant waste transfer notes.
- (j) Ensuring relevant members of the housing maintenance unit maintain the appropriate qualifications and competencies to allow them to undertake non-licensable works within the Council's housing stock so that only employees who have had adequate training and instruction will where required work on or remove asbestos.
- (k) Ensuring any works involving ACMs involving non-licensable works are conducted and undertaken in accordance with Control of Asbestos Regulations 2012, within the scope of the operatives training and in accordance with Asbestos Essentials Task Manual.
- (l) Ensuring that the Head of Asset Strategy is kept informed in writing of all of the above on a quarterly basis and more immediately in the case of an emergency and that records as



indicated above together with certification on the above are readily available for viewing and for detail or summary printable reports on request by the Head of Asset Strategy.

#### **4.12 Housing Maintenance Officers**

4.12.1 Housing maintenance officers play a vital role in the ‘duty to manage’ asbestos and must ensure where work activities involve exposure to asbestos containing materials that:-

- (a) Only employees who have had adequate training and instruction are allowed to undertake maintenance work activities in areas where asbestos could be present.
- (b) Risk assessments and safe working methods are available, remain up to date and are communicated to relevant employees before work activities are commenced.
- (c) Periodic monitoring of working practices are undertaken to ensure that employees follow safe systems of work and use all equipment that has been provided for their safety in a correct and appropriate manner.
- (d) Any works involving asbestos containing materials are conducted and undertaken in accordance with Control of Asbestos Regulations 2012 and where involving non licensable works are carried out in accordance with Asbestos Essentials Task Manual which details how to safely carry out non-licensed work involving asbestos.

#### **4.13 Group Manager Environmental Services**

4.13.1 The Group Manager Environmental Services is responsible for managing the Council’s response to both household disposal and illegal disposal of asbestos and asbestos containing materials on Council owned land in accordance with the Control of Asbestos Regulations 2012 and acts as a duty holder under these regulations ensuring that:-

- (a) Arrangements are in place to provide safe domestic disposal provisions for small quantities of materials through household disposal sites located at Airmyn, Carnaby, Humberfield, and Preston.
- (b) Arrangements are in place to direct residents of the East Riding towards licensed contractors who residents can engage to remove asbestos from their properties.
- (c) All notifications of illegally disposed asbestos and asbestos containing materials are recorded and acted upon in a timely manner.
- (d) Where notified of asbestos and asbestos containing materials necessary precautions are taken to reasonably ensure that members of the public/others are not exposed to asbestos fibres until a time the materials can be safely removed.
- (e) Competent licensed contractors are engaged to remove illegally disposed asbestos and asbestos containing materials.

4.13.2 Where the Council are notified of the presence of asbestos on private land, Public Protection may where appropriate deal with this through the issuing of an abatement notice and may engage environmental services to remove the waste their behalf.

#### **4.14 Managers, including Headteachers (Duty to Manage)**

4.14.1 Managers (including Headteachers) who occupy and have responsibility for a building which either contains asbestos or was constructed before year 2000 play a vital role in the ‘duty to manage’ asbestos. The diverse nature of the Councils business means that building management responsibility can vary from site to site. Appendix 1 of this policy provides an overview of how building management responsibilities may be discharged to achieve compliance with the regulations. Those holding these management responsibilities should ensure:-

- (a) There is a written record of the location and condition of asbestos and presumed asbestos-containing materials (ACMs). This document is commonly referred to as the “Asbestos Management Survey”.
- (b) The Asbestos Management Survey is maintained up to date, and reflects any deterioration of identified asbestos containing materials and reflects any removal of asbestos containing materials from the premises/site.
- (c) Where the asbestos management survey is undertaken independently by the premises manager/headteacher (not undertaken by Infrastructure and Facilities) that a copy of the survey report is passed to Infrastructure and Facilities for inclusion on the Council’s asbestos management toolkit.
- (d) They have received training to allow them to fulfil their responsibilities under the ‘duty to manage’, including where required; how to condition monitor identified asbestos and/or asbestos containing materials.
- (e) Where required, staff have received necessary training as advised by the Council’s Asbestos Monitoring Officer.
- (f) Before any work commences on the fabric of the building, that the contractors and others working are advised of the location of any asbestos by providing them with the Asbestos Management Survey and ensuring they sign to confirm they have received and understood this information.
- (g) Any identified asbestos is managed in accordance with the Asbestos Management Plan.
- (h) Where the premises or part of them are subject to upgrading, refurbishment, or demolition, confirmation is obtained that refurbishment/demolition surveys have been undertaken by a competent person prior to any works commencing.
- (i) Where any staff (through their day-to-day activities) could potentially be exposed to asbestos that they are advised accordingly of safe working methods and are given necessary information, instruction, training and where necessary, personal protective equipment.
- (j) Arrangements are in place to periodically monitor working practices to ensure that employees follow safe systems of work and use all equipment that has been provided for their safety in a correct and appropriate manner.

#### **4.15 Headteachers (additional duties and responsibilities)**

4.15.1 In addition to the duties and responsibilities detailed under paragraph 4.14 of this policy; headteachers of schools must implement the statutory requirements for managing the control of asbestos within schools they control.

4.15.2 Headteachers can enter a service level agreement (SLA) with the councils Infrastructure and Facilities service area, which provides asbestos awareness training, **assists** schools in obtaining asbestos surveys and interpreting the results of these surveys, and if necessary provide assistance with writing an asbestos management plan. Additionally through the SLA, schools can obtain assistance to remove asbestos based products as a one-off project but this is subject to an additional charge.

Entering in to an SLA with Infrastructure and Facilities will allow the headteacher to delegate areas of work but not discharge their duties under the regulations to manage asbestos within the school which will remain with the headteacher.

Should the headteacher choose not to enter in to the Infrastructure and Facilities SLA they must engage a competent person to undertake appropriate asbestos survey and ensure that:-

- (a) An up to date written record of the location and condition of asbestos and presumed asbestos containing materials (ACMs) is recorded in the form of an “Asbestos Management Survey” and that it is retained within the school.
- (b) Refurbishment/demolition surveys are undertaken where the premises or part of them require upgrading, refurbishment or demolition and that such works are undertaken by a competent person.
- (c) The risk of the likelihood of anyone being exposed to these materials is assessed by a competent person to ensure that nobody put at risk by exposure to asbestos products which may exist within the school.
- (d) An asbestos management plan is prepared to manage that risk and put it into effect to ensure that:-
  - (i) Any material known or presumed to contain asbestos is kept in a good state of repair;
  - (ii) Any material that contains or is presumed to contain asbestos is, because of the risks associated with its location or condition, repaired or if necessary removed; and
  - (iii) Information on the location and condition of the material is given to anyone potentially at risk of exposure.

4.15.3 The Governing body is made aware and kept up to date regarding asbestos management issues within the school. It is strongly recommended that all asbestos survey reports are passed to the Corporate Asbestos Monitoring Officer for inclusion on the Council’s corporate asbestos management software.

#### **4.16 Employees**

4.16.1 Employees must ensure they carry out assigned tasks and duties in accordance with information, instruction, training and agreed safe systems of work. Specifically they must ensure:-

- (a) They cooperate to enable their manager/headteacher/supervisor to implement effective management systems.
- (b) They rigorously follow safe systems of work and use all equipment that has been provided for their safety in a correct and appropriate manner.
- (c) They report to their line manager if they suspect a presence of asbestos which has not previously been identified.
- (d) They stop work immediately should they suspect they have discovered asbestos and inform their line manager.
- (e) If they have any concerns regarding their work activities or their health they must report these as soon as possible to their line manager.
- (f) They wear personal protective equipment in accordance with instructions provided.
- (g) Their own health and safety and that of others are not put at risk by their actions.

#### **4.17 Safety Services**

4.17.1 The primary function of Safety Services is to support the Council and its employees by providing professional, authoritative, impartial advice on all aspects of health, safety and wellbeing.

4.17.2 Where managers/headteachers/supervisors require further assistance, Safety Services will advise on achieving compliance with this policy.

4.17.3 In any case, where asbestos is present Safety Services are available to provide advice and guidance in conjunction with the Council’s Asbestos Monitoring Officer.

## **4.18 Occupational Health Unit**

4.18.1 The Occupational Health Unit will support this policy and procedure by providing managers, headteachers, supervisors and employees with guidance on all work related health issues, including health surveillance, health screening, and where appropriate additional medical interventions as appropriate to legislative requirements. Please also refer to paragraph 8.1 relating to health surveillance.

## **5. Arrangements**

### **5.1 Council's Asbestos Management Surveys and Plans**

5.1.1 It is the Council's intention to manage asbestos in its properties and assets in accordance with the requirements of the regulations, aiming to ensure that:-

- (a) Surveys of all non-domestic premises are undertaken on a five year rolling programme, including the compilation of a survey report and labelling where necessary of identified asbestos products including fixed equipment (for example gas boilers) which may contain asbestos containing materials.
- (b) Schools are reminded of the need to undertake asbestos surveys on a five year rolling programme which should be funded through their own delegated budgets. These surveys must include the compilation of a survey report and labelling where necessary identified asbestos products and up to date records of the location and condition of asbestos and presumed asbestos-containing materials (ACMs) and must be updated on an annual basis or at a greater frequency should the risk assessment determine this. This information must then be passed on to the Council's Asbestos Monitoring Officer for retention on the Council's asbestos management toolkit.
- (c) Archetypal surveys of Council's housing stock are undertaken on a rolling programme including the compilation of a survey report and labelling where necessary identified asbestos products particularly in common parts of these premises.
- (d) Up to date records of the location and condition of asbestos and presumed asbestos-containing materials (ACMs) are recorded for non-domestic premises on the Council's asbestos management toolkit and for Council housing stock on the Council's housing database.
- (e) Where asbestos is identified as being in good condition, (surface coating intact and unbroken), it will be left in situ and will be subject to specified management surveys/condition monitoring which will be undertaken by competent contractors and/or trained responsible persons as part of our 'duty to manage'.
- (f) Where asbestos is identified as being in a poor condition and beyond repair we will avoid unnecessary disturbance and ensure the area is isolated/access to the affected area is denied and the asbestos is removed by a competent person/contractor and the asbestos survey is updated.
- (g) Where the regulations dictate and where finances permit, identified asbestos containing materials are removed and/or replaced with non-asbestos alternatives as part of a rolling programme of improvement/refurbishment.
- (h) Any works involving asbestos containing materials are conducted and undertaken in accordance with Control of Asbestos Regulations 2012 and where involving non licensable works are carried out in accordance with Asbestos Essentials Task Manual which details how to safely carry out non-licensed work involving asbestos.
- (i) Where asbestos containing materials have been identified in good condition and left in place, the Council will where necessary affix warning signs. Such labels indicate to contractors, cleaners and others who may be affected that asbestos is present, thus avoiding inadvertent damage. Labels are generally black letter on a yellow background to comply

with the Health and Safety (Signs and Signals) Regulations 1996. It is not the Council's intention to label external products which contain asbestos ie soffits, guttering, fascias etc unless an associated safety hazard exists i.e. asbestos roofing sheets where falling from a height due to fragile nature of material results in a greater hazard than exposure to the asbestos. Internally any known asbestos containing products will be labelled accordingly.

- (j) Following the removal of all asbestos insulation, debris, residual materials and visible dirt, clearance testing is undertaken. Where insulation/laggings/coatings/insulation board, have been removed final testing will not be undertaken by the removal contractor, but will be undertaken by an independently appointed analyst separate from the company carrying out the asbestos removal work. The area will only be released when the tests provide a reading of <0.01 F/ml (less than 0.01 fibres per millilitre).
- (k) Individual asbestos management plans have been produced and support the policy by providing specific guidance in the following areas:-
  - (i) Non-domestic properties (for example; residential care homes, sports centres, offices),
  - (ii) Council houses,
  - (iii) Schools (including infant, junior, primary and secondary schools),
  - (iv) Removal of 'fly tipped' asbestos materials.

5.1.2 The Council will in almost all circumstances ensure that work involving asbestos is undertaken by a licensed contractor. Some low risk tasks may be performed by operatives who have received specific and appropriate training.

## **5.2 Survey Types**

5.2.1 In accordance with section 4.2 of this policy the Head of Asset Strategy is responsible for putting in place appropriate management arrangements to ensure asbestos is managed in accordance with the requirements of the Control of Asbestos Regulations 2012 and therefore acts as the main duty holder under these regulations.

5.2.2 A key part of these arrangements is to ensure that reasonable steps are taken to find materials in premises likely to contain asbestos by carrying out an assessment as to whether asbestos is present and determining its condition. This is generally achieved through the undertaking of asbestos surveys by a competent person. The purpose of surveying is to make a 'materials assessment' to:-

- (a) Find asbestos-containing materials (ACMs) and record what it is, where it is and how much there is;
- (b) Record how accessible it is, its condition, and any surface treatment;
- (c) Record the asbestos type, by sampling or by presuming.

## **5.3 Management Surveys**

5.3.1 The Management Survey is required to manage asbestos containing materials during the normal occupation and use of our premises. The management survey aims to ensure that:-

- (a) nobody is harmed by the continuing presence of asbestos containing materials in the premises or equipment;
- (b) the asbestos containing materials remain in good condition; and
- (c) nobody disturbs it accidentally.

5.3.2 The survey will locate asbestos containing materials that could be damaged or disturbed by normal activities, by foreseeable maintenance, or by installing new equipment. It involves minor intrusion and minor asbestos disturbance to make a material assessment. The survey will

show the ability of asbestos containing materials, if disturbed, to release fibres into the air and will advise on prioritising any remedial work.

5.3.3 Records of the location and condition of asbestos and presumed asbestos-containing materials (ACMs) in all non-domestic premises will be kept up to date and the results of the assessment recorded on the Council's asbestos management tool kit and passed on to the occupier of the premises;

5.3.4 In respect of the Council's housing stock it is unlikely that a survey of every property is going to be reasonably practicable. A carefully planned sampling programme of a representative proportion of each dwelling 'type' will thus be needed in order to get an accurate picture of asbestos containing materials presence. Specific sampling ratios cannot be specified, as these will depend on the variability of the housing stock. The sampling strategy will be informed by the advice of a competent surveyor and take account of:-

- (a) Original construction information.
- (b) Building material specifications.
- (c) Subsequent refurbishment or building works.
- (d) Previous asbestos surveys or removals.
- (e) Information generated during the survey process itself that may necessitate a revision of the original planning assumptions.

5.3.5 Further to management surveys being undertaken, records of the location and condition of asbestos and presumed asbestos-containing materials in the Council's housing stock, particularly in 'common areas' will be kept up to date through the results of archetypal assessments and regular condition monitoring and recorded on the Council's housing academy system and made available to the Council's housing maintenance unit staff, housing officers and any other contractors working on Council properties.

## **5.4 Refurbishment and Demolition Survey**

5.4.1 A "refurbishment/demolition" survey is necessary before carrying out any work that may disturb the fabric of a building. The purpose of this survey is to locate asbestos containing materials so that they can be removed before the refurbishment work starts. This type of survey employs fully intrusive inspection techniques and involve destructive inspection, as necessary to gain access to all areas and may involve lifting carpets and tiles, and breaking through walls, ceilings, cladding and partitions.

5.4.2 The refurbishment and/or demolition survey is required where the premises, or part of it, need upgrading, refurbishment or demolition. The survey does not need a record of the condition of asbestos containing materials. A refurbishment and/or demolition survey aims to ensure that:-

- (a) Nobody will be harmed by work on asbestos containing materials in the premises or equipment.
- (b) Such work will be done by the right contractor in the right way.

5.4.3 The survey will locate and identify all asbestos containing materials before any structural work begins at a stated location or on stated equipment at the premises. It involves destructive inspection and asbestos disturbance.

5.4.4 These destructive techniques mean that surveys need to be conducted in unoccupied areas of the property or void properties to minimise any risks to occupants. There should be effective isolation of the survey area (eg full floor to ceiling partition), and furniture and furnishings

should be removed as far as possible or protected using sheeting. The “surveyed” area must be shown to be fit for reoccupation before refurbishment work continues or reoccupation takes place.

- 5.4.5 The Council will ensure that any demolition and refurbishment works will at all times be managed by competent project manager/surveyor and conducted by a competent person/contractor who will ensure that areas subjected to this type of survey are vacated and certified ‘fit for reoccupation’ after the survey has been completed.

## **5.5 Licensed, Notifiable Non Licensed Work (NNLW) and Non Licensed Work**

- 5.5.1 The majority of work the Council undertakes involving asbestos will be carried out by a licensed contractor. Any tasks which the Council’s employees may undertake under NNLW or non-licensed work will be carefully identified and specific training provided.
- 5.5.2 Licensed Work. Any licensed work will only be undertaken by a licensed contractor approved by the Health and Safety Executive (HSE). The Council’s Asbestos Monitoring Officer must be made aware of any licensed works being undertaken as these works must be notified to the HSE using form ASB 5 giving at least 14 days’ notice of the Council’s intention to undertake these works.
- 5.5.3 Notifiable Non Licensed Asbestos Work (NNLW). Any Notifiable Non Licensed Asbestos Work (NNLW) will only be undertaken by a licensed contractor approved by the HSE or where appropriate, by trained Council employees. The Council’s Asbestos Monitoring Officer must be made aware of any Notifiable Non Licensed Asbestos Work (NNLW) being undertaken as these works must be notified to the HSE through the “on-line” notification form ASBNNLW1.
- 5.5.4 Non Licensed Work. All non-licensed work needs to be carried out with the appropriate controls in place. Only specific tasks for which operatives have received bespoke training will be undertaken.
- 5.5.5 Relevant members of the housing maintenance unit maintain the appropriate qualifications and competencies to allow them to undertake non-licensable works within the Council’s housing stock and only employees who have had adequate training and instruction will where required touch or remove asbestos;
- 5.5.6 Any works involving asbestos-containing materials (ACMs) involving non-licensable works will be conducted and undertaken in accordance with Control of Asbestos Regulations 2012, within the scope of the operatives training and in accordance with Asbestos Essentials Task Manual.

## **6. Competent Contractors**

- 6.1 The Council has a duty to take reasonable steps to ensure that anyone they appoint to either survey, remove or undertake works on or around asbestos containing materials is competent. Knowledge of asbestos risks and working precautions form an element of this competency. The Council will ensure that steps are taken to check that potential contractors have had the relevant asbestos awareness training to an equivalent standard as outlined in the Approved Code of Practice to the Control of Asbestos Regulations 2012.
- 6.2 Similarly, those selected to carry out the survey work must be able to demonstrate the requisite arrangements, skills and experience through such means as UKAS accreditation or personal certification.

## **7. Training**

- 7.1 The current regulations place a legal duty on the Council to provide information, instruction and training to any of our employees who are likely to be exposed to asbestos as part of their work.
- 7.2 Any employee liable to disturb asbestos whilst performing their normal everyday work is required to be trained. The Council will ensure that adequate information, instruction and training is given to those employees who are liable to be exposed to asbestos during the course of their work.
- 7.3 The Council will identify those employees, who may in the course of their duties encounter asbestos. These may include:-
- (e) Housing maintenance unit employees, all trades persons including electricians, plumbers, builders, joiners, gas fitters.
  - (f) Architects, building surveyors, technical assistants, structural engineers, engineers, electrical engineers.
  - (g) Caretaking staff.
  - (h) Environmental enforcement, refuse, street cleansing and cleaning staff.
  - (i) Managers and Headteachers who have “duties to manage” under the regulations.
  - (j) Any other person(s) in control of a premise.
- 7.4 All employees who are liable to disturb asbestos during their normal work will be trained so that they can recognise asbestos containing materials and know what to do if they come across them.
- 7.5 These employees will be provided with training depending upon the nature of their work. Training may include:-
- (a) Awareness training.
  - (b) Training on work that does not require a licence from the HSE.
  - (c) Training for asbestos work that does require a license from the HSE.
  - (d) Staff inductions.
  - (e) Specific courses particularly for those undertaking non licensable works.
  - (f) Regular refresher training.
  - (g) Tool box talks.

## **8. Health Surveillance**

- 8.1 In compliance with additional duties under the regulations which come in to force in April 2015, the Occupational Health Unit will undertake health surveillance and medical examinations on all staff identified by the Council who undertake NNLW. Health records will be maintained by the Occupational Health Unit. This follows the criteria set out in the Control of Asbestos Regulations 2012.



## **Annex 1 - Description of Work Types**

### **Licensed Works**

The Council will require a licence where work with asbestos may involve any of the following:-

- where worker exposure to asbestos is not sporadic and of low intensity; or
- where the risk assessment cannot clearly demonstrate that the control limit will not be exceeded ie 0.1 asbestos fibres per cubic centimetre of air (0.1 f/cm<sup>3</sup>); or
- on asbestos coating; or
- on asbestos insulation or asbestos insulating board where the risk assessment demonstrates that the work is not short duration work, eg when work with these materials will take no more than two hours in any seven day period, and no one person works for more than one hour in that two hour period.

### **Notifiable Non Licensed Asbestos Work (NNLW)**

NNLW will normally include short duration maintenance and removal work with asbestos insulation, removal of textured decorative coatings where the material is destroyed eg by scraping it off, and short duration removal of AIB as part of refurbishment.

Short duration' means any one person doing this type of work for less than one hour, or more people doing the work for a total of less than two hours, in any seven consecutive days. The total time spent by all workers must not exceed two hours. This includes time spent setting up, cleaning and clearing up.

#### **Examples of NNLW include:-**

- Minor, short duration, maintenance work involving asbestos insulation, eg repairing minor damage to a small section of pipe insulation where the exterior coating has been broken or damaged.
- Minor removal work involving AIB, when short duration and as part of a refurbishment project, eg removing AIB panels fixed with screws following water damage.
- Entry into the roof space above an AIB tiled ceiling, when no decontamination or cleaning has taken place.
- Removal work involving textured decorative coatings where the method of removal requires deterioration of the material, eg where the material is treated by steam, hydrating gel etc and scraped off the underlying surface, or where it is very badly flood-damaged.
- Removal of asbestos paper and cardboard products if not firmly bonded in a matrix.
- Removal of asbestos cement (AC) which is substantially degraded eg badly fire-damaged or delaminated material, or where substantial breakage is unavoidable to achieve removal.

All non-licensed work needs to be carried out with the appropriate controls in place. But for notifiable non-licensed work (NNLW), the Council has additional requirements to:-

- notify work with asbestos to the HSE through the 'on line' notification form ASBNNLW1 (Unlike licensed work there is no minimum notice required before work can commence and permission is not required to start the work);
- ensure (by April 2015) medical examinations are carried out on all staff undertaking NNLW; and
- maintain health records.

### **Non Licensed Work**

Where work is exempt from the need for a licence, there is still a need to determine if it is notifiable non-licensed work or non-licensed work. The key factors that influence this are:-

- The type of work; maintenance, removal, encapsulation, air monitoring and control.

- The type of asbestos; is it friable?, how firmly is the asbestos bonded in a matrix?
- The materials condition; has the material been damaged or is it in a poor condition?, will the materials matrix be destroyed when worked on?

All non-licensed work needs to be carried out with the appropriate controls in place. To be exempt from needing a licence the work must be:

- Short, non-continuous maintenance work involving AIB which is in good condition, eg drilling holes in AIB to attach a fitting or pass through a cable or pipe, cleaning light fittings attached to AIB, removing a door with AIB fire-proofing, or lifting ceiling tiles for inspection where there is no full-body entry into the roof space.
- Short, non-continuous maintenance work on asbestos cement (AC), eg work on weathered AC roof tiles.
- Removal of AC, which is kept virtually intact.
- Short, non-continuous maintenance work on textured decorative coatings, eg drilling holes, inserting screws or painting.
- Small-scale maintenance work with textured decorative coatings when this can be achieved without deterioration of the material, eg by careful cutting around backing sheets to achieve removal intact.
- Removal, for example, of gaskets or asbestos rope cords from heating appliances, which can be left in situ for disposal or can be lifted out virtually intact, without substantial breakage.
- Short, non-continuous maintenance work on clutch discs, brakes, friction products etc unless significant damage is required eg by power tools.
- Removal of floor tiles or bitumen felt, when done with the appropriate controls, eg in line with Asbestos Essentials sheets A21 and A23[3].
- Work to enclose or seal asbestos materials that are in good condition (and that do not require a licence).
- Air monitoring and control, and the collection and analysis of samples.

## **Annex 2 - Arrangements for Dealing with Accidents, Incidents and Emergencies Involving Asbestos**

In the event of an unplanned release of asbestos arising through an accident or incident in the workplace, immediate steps must be taken to contain and manage the area to minimise the wider effects arising from such a release ensuring that:-

- Work ceases immediately and the area and any contamination (including contaminated persons) is initially quarantined to that area wherever possible to minimise the spread of contamination to other areas.
- Both the Council's Corporate Asbestos Monitoring Officer (01482 395937) and the Safety Services Team on (01482 391117) must be contacted in the event of incidents or an uncontrolled release involving asbestos and immediate advice sought from them.
- Persons other than those authorised and trained to do so are prevented from accessing the affected area.
- Persons who have become contaminated remove contaminated clothing and seal these inside plastic bags (double bag) and leave within the contaminated area for disposal as contaminated waste.
- Where possible, persons who have become contaminated shower and wash their hair.
- The cause of any uncontrolled release is thoroughly investigated.
- Support and guidance is given to any individuals who may have been identified as having been affected by an uncontrolled release, and where it is believed they may have been potentially exposed to asbestos fibres that a note of the exposure is made on the individual's employee health record or personal file.

In the event of an unplanned release of asbestos arising through an accident or incident the Council will ensure that sufficient information is available to the relevant emergency services including:-

- Communication arrangements on site.
- The type, condition and location of the asbestos.
- Details of relevant hazards.
- Arrangements for evacuation.
- Decontamination procedures.
- Clean up procedures.

Further guidance can be found within the Health & Safety Executive 'Equipment and Method Sheet' (EM1) on "What to do if you uncover or damage materials that may contain asbestos"

## **Appendix 1 - Building Management Responsibilities**

This appendix provides a number of examples of how building management responsibilities may be discharged to achieve compliance with the regulations.

### **Example 1 - A Stand Alone Facility - Leisure Centre, Residential Care Home, Children's Home, Museum, Public Entertainment Venue.**

The manager in such buildings is ultimately responsible to ensure that Asset Strategy have provided (via Infrastructure and Facilities) an asbestos survey which must be available within the building/on site where the building/site was constructed before year 2000.

The manager will ensure that themselves and any other relevant officers (such as their deputy or duty officers) know the whereabouts of the asbestos survey and are aware of any significant findings within the survey.

The manager will ensure that they act in accordance with any requirements placed on them at a local level to manage asbestos in accordance with regulation 4 (duty to manage). This may involve condition monitoring areas where asbestos has been identified in accordance with the scope of the asbestos survey, and the manager may delegate this to their deputy or duty officer to fulfil this requirement.

The manager, their deputy or duty officers will also be responsible for ensuring that the asbestos survey is brought to the attention of any person undertaking work within the building where there is a risk of coming in to contact or disturbing any asbestos.

The manager will also ensure that Asset Strategy (facilitated by Infrastructure and Facilities) have updated the asbestos survey should any significant changes occurred within the building/on the site.

### **Example 2 - A Shared Facility - A Depot, Multi Purpose Facility, Co-Location Site, Facilities shared with external agencies.**

As per **example 1** however the managers who occupy such a facility will agree a lead responsible manager to ensure that any requirements as detailed above are met. Where Accommodation Services facilitate building user groups at such facilities, they would ensure that a lead manager is identified as detailed above.

### **Example 3 - Corporate Accommodation - County Hall, Goole Council Offices, Bridlington Town Hall, Burnby Hall.**

These buildings do not have a lead responsible manager identified, however Asset Strategy will (via Infrastructure and Facilities) ensure that an asbestos survey is undertaken, and kept up to date for these premises. Project managers/building surveyors/engineers appointed through Infrastructure and Facilities will in the first instance on such sites be responsible for ensuring that the asbestos survey is brought to the attention of any person undertaking work within the building where there is a risk of coming in to contact or disturbing any asbestos.

Where Accommodation Services provide a custodian and the custodian is available on site, they would ensure that the asbestos survey is brought to the attention of any contractor working on site by the custodian.

Where Accommodation Services facilitate building user groups at such facilities, they would ensure that any pertinent information relating to asbestos is brought to the attention of the managers of services who occupy these sites.