

Council Asbestos Policy

Implementation date: 1 November, 2017

Control schedule

Approved by	Corporate Policy and Strategy Committee
Approval date	03 October 2017
Senior Responsible Officer	Susan N Tannahill
Author	Sam Jennings
Scheduled for review	October 2018

Version control

Version	Date	Author	Comment
0.1	03 October 2017	Sam Jennings	The existing Corporate Policy for Managing Asbestos will be superseded.

Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
03 October 2017	Corporate Policy and Strategy Committee	Council Asbestos Policy	

Council Asbestos Policy

Policy statement

- 1.1 As set out in the Council Health and Safety Policy, we take all reasonable steps to protect the health and safety and welfare of our employees and third parties.
- 1.2 We will comply with relevant health and safety statutory and regulatory requirements, and all relevant approved codes of practice and guidance, aimed at preventing exposure to asbestos.
- 1.3 We recognise that, due to their age and construction, asbestos is present in many Council buildings and assets, and Council housing property. It may also be present in waste materials.
- 1.4 The main objective of this Policy, which is a sub-Policy of the Council Health and Safety Policy is to prevent exposure to asbestos. We will do this by:
 - taking steps to locate any asbestos containing materials (ACMs) in our buildings and assets and assessing their condition;
 - maintaining records of the location and condition of ACMs and assessing the risk from them;
 - taking appropriate action to manage the risk associated with ACMs;
 - providing information and advice on the location, type, and condition of the material to anyone who could be in a position to disturb ACMs;
 - ensuring effective arrangements are in place should an accidental release of asbestos fibres occur;
 - ensuring appropriate information, instruction and training is given to all relevant Council employees;
 - engaging suitably licensed, qualified and experienced contractors to carry out works on asbestos (e.g. removal or encapsulation); and
 - carrying out health surveillance for staff who work with asbestos.

Scope

- 2.1 The Council Asbestos Policy applies to all employees. In addition, it extends to third parties who interact with Council services but are not employees such as members of the public, contractors and service users.
- 2.2 The Policy applies to potential exposure to all asbestos containing materials (ACMs).

Definitions

- 3.1 **Asbestos** – A naturally occurring fibrous mineral that is strong and resistant to heat, fire and corrosive chemicals. Asbestos is comprised of small fibres not visible to the naked eye. The fibres are hazardous when inhaled, causing harm to the lining of the lungs. Exposure to asbestos has long term health implications including mesothelioma, lung cancer and asbestosis.
- 3.2 **Asbestos Containing Materials (ACMs)** – Any product or material containing asbestos. Common ACM's include: insulation materials, sprayed coatings, soundproofing, ceiling tiles, panels in fire doors, roofing and flooring.
- 3.3 **Asbestos Management Plan** – A document that provides details of who is responsible for asbestos management, a copy of the asbestos register and risk assessments, plans for work (if any) on asbestos containing materials and the schedule for monitoring the condition of the asbestos containing materials.
- 3.4 **Asbestos Register** – A document that lists all identified or assumed asbestos in a building or asset.
- 3.5 **Building or Site Health and Safety Responsible Person** – Building or Site H&S Responsible Person is allocated to the most senior role holder in the building, e.g. Head Teacher, Care Home Manager, Depot Manager. For some locations, a nominated Building or Site H&S Responsible Person may be required.
- 3.6 **Competent Person** – A competent person is someone with the necessary skills, knowledge and experience in relation to hazard identification, risk assessment and the determination of necessary controls, and includes knowledge of legal and regulatory requirements.
- 3.7 **Duty Holder** – Asbestos legislation places a duty on those in control of premises to take action to manage any risk from the presence of asbestos in the buildings under their control. These people are defined in the Control of Asbestos at Work Regulations 2012 as "Duty Holders". A Duty Holder anyone who has control, to any extent, of any premises.
- 3.8 **Health Surveillance** – A system of ongoing health checks that allows for early identification of ill health and helps identify any corrective action needed. Health surveillance is required by law where employees are exposed to asbestos.
- 3.9 **Multi-Occupied Building or Site Health and Safety Responsible Person** – As set out in the Council Health and Safety Policy, Corporate Property and Facilities Management will take responsibility for the Multi-Occupied Building H&S Responsible Person for designated buildings as follows: Lothian Chambers, City Chambers, Waverley Court, and Parliament Square. In addition, they will take

on this role for the Central Library.

For all other multi-occupied buildings, the most senior role holder in the building in the Service Area with the greatest number of employees based in the building will take on the role. For some locations, a nominated Multi-Occupied Building H&S Responsible Person may be required.

- 3.10 **Notifiable incidents** – Exposure to asbestos is reportable to the Health and Safety Executive when a work activity causes the accidental release or escape of asbestos fibres into the air in a quantity sufficient to cause damage to the health of any person.

Policy content

- 4.1 In non-housing Council buildings and assets, we identify and manage asbestos by:
 - 4.1.1 conducting surveys of all Council buildings constructed before 2000 to identify the location, type and condition of asbestos;
 - 4.1.2 recording the location and type of all asbestos identified in surveys, and making the information easily accessible;
 - 4.1.3 producing and maintaining an asbestos register for every Council building where asbestos is present;
 - 4.1.4 assessing the risk arising from the location, type and condition of asbestos within Council buildings and assets and taking appropriate action to eliminate or manage the risk;
 - 4.1.5 producing a written asbestos management plan, where asbestos is retained in a Council building or asset;
 - 4.1.6 reviewing the asbestos management plans at regular intervals and updating as necessary. These are also reviewed prior to and following any asbestos-related works in the buildings.
- 4.2 In Council housing properties, we identify and manage asbestos by:
 - 4.2.1 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;
 - 4.2.2 recording the location and type of all asbestos identified in surveys, and making the information easily accessible;
 - 4.2.3 assessing the risk arising from the location, type and condition of asbestos within housing properties and taking appropriate action to eliminate or manage the risk;
 - 4.2.4 carrying out condition monitoring surveys of the non-domestic element of the Council housing properties and taking any identified action;
 - 4.2.5 ensuring that information relating to asbestos in a housing property is reviewed annually and consulted prior to, and updated following, any planned or reactive asbestos work.
- 4.3 We provide information on presence, location and type of asbestos in premises to all employees, contractors or third parties who may encounter it as part of their work activities.
- 4.4 A written scheme of work is completed prior to any planned work with asbestos containing materials.

- 4.5 Only competent persons (or organisations) are appointed to undertake work with asbestos, including licensed contractors where required. This includes sampling and air monitoring to confirm presence of asbestos, as well as organisations involved in the removal and disposal of asbestos containing materials.
- 4.6 We provide information to tenants and landlords regarding the management of asbestos in Council buildings and Council housing.
- 4.7 Where buildings owned by the Council are leased to third parties on a full maintenance and repair lease, responsibility for the management of asbestos is clearly set out in the lease agreement.
- 4.8 Where we lease buildings from a third party, we ensure that responsibility for managing asbestos is clearly set out in the lease agreement. Where this responsibility lies with the owner/landlord, we co-operate in ensuring that asbestos management arrangements are managed effectively.
- 4.9 Emergency procedures are established for dealing with unexpected release of asbestos fibres and for unexpected exposure to asbestos or asbestos containing materials. This includes arrangements at our civic recycling centres where members of the public may knowingly or inadvertently bring asbestos containing materials on to the site.
- 4.10 Any unplanned release of asbestos fibres or unplanned exposure is reported and investigated, including reporting notifiable incidents to the Health and Safety Executive. Where employees have been exposed to asbestos, they are referred to our Occupational Health Provider.
- 4.11 All employees who may encounter asbestos as part of their work activities, and those with specific responsibilities for managing asbestos, are provided with suitable information and training. This includes those who may encounter asbestos that has been damaged or disturbed.
- 4.12 We produce detailed procedures to support the implementation of this Policy.
- 4.13 We appoint competent Asbestos Officers with specialist knowledge of the management of asbestos who are responsible for maintaining asbestos management plans, records, surveys and condition monitoring. The Asbestos Officer also ensures that that asbestos registers are in place.
- 4.14 We have an Asbestos Standing Group with a remit to continuously, monitor and review this Policy and its supporting Procedures to ensure asbestos containing materials are managed effectively.

Implementation

- 5.1 Implementation will be effective from 1 November 2017
- 5.2 This Policy supersedes the Corporate Policy for Managing Asbestos dated November 2014.

Roles and responsibilities

6.1 The health and safety roles and responsibilities of the Chief Executive, Executive Directors, Heads of Service, Managers and employees are set out in the Council Health and Safety Policy. Roles and responsibilities relating specifically to this Policy are summarised below.

6.2 Head of Property and Facilities Management

The Head of Property and Facilities Management has responsibility for the management of asbestos in non-housing Council buildings and assets, except those managed by third parties on our behalf and leased buildings.

- Responsible for maintaining a central register of buildings, which is used to identify buildings where asbestos surveys are required;
- Ensure written asbestos management plans are in place;
- Ensure written procedures are in place to implement the requirements of this Policy;
- Ensure written procedures are in place for the management of contractors working with, or potentially exposed to, asbestos;
- Ensure responsibilities for managing asbestos are clearly set out in lease agreements between the Council and third parties;
- Ensure that appropriate asbestos training is provided to management and employees;
- Ensure Asbestos Officer(s) is appointed;
- Ensure emergency procedures are in place to manage unplanned release of asbestos fibres; and
- Ensure sufficient resources are made available to implement their responsibilities under this Policy.

6.3 Head of Place Development

The Head of Place Development has responsibility for the management of asbestos in Council housing property.

- Identification of the location, type and condition of asbestos containing materials in Council housing properties;
- Responsible for ensuring a system is in place to record the outcome of surveys and test sampling;
- Ensure written procedures are in place to implement the requirements of this Policy and reviewed annually;
- Ensure written procedures are in place for the management of contractors working with, or potentially exposed to, asbestos;
- Ensure that appropriate asbestos training is provided to management and employees;

- Ensure Asbestos Officer(s) is appointed;
- Ensure emergency procedures are in place to manage unplanned release of asbestos fibres, including those resulting from tenants disturbing ACMs, e.g. through DIY works
- Ensure sufficient resources are made available to implement their responsibilities under this Policy.

6.4 **Head of Place Management**

The Head of Place Management has responsibility for:

- Ensuring risks associated with unplanned and unexpected exposure to asbestos containing materials at civic recycling centres and by waste and cleansing operatives are identified and managed;
- Ensuring emergency procedures are in place to manage unplanned release of asbestos fibres;
- Ensuring appropriate asbestos training is provided to management and employees; and
- Edinburgh Scientific Services, who carry out asbestos surveys, sampling and air monitoring.

6.5 **Building or Site Health and Safety Responsible Person**

At building/site level, the duty holder, working under the direction of the Heads of Service, is responsible for overseeing all aspects of the day-to-day implementation of this Policy in their areas of control, and:

- Ensuring that the requirements of this Policy are communicated and followed by all employees and third parties;
- Ensuring Asbestos Registers are readily available at all times to those employees of the Council, external contractors and others who may need to refer to them;
- Reporting and investigating any unplanned release of asbestos containing materials; and
- Ensuring the emergency procedures are followed where there is an unplanned release of asbestos fibres.

6.6 **Asbestos Officers**

Asbestos Officers are responsible for:

- Maintaining asbestos management plans, records, surveys and condition monitoring;
- Ensuring Asbestos Registers are in place;

- Providing expert advice to responsible parties on the management of asbestos; and
- Maintaining a record of reportable incidents.

6.7 Edinburgh Scientific Services (ESS) / Competent External Provider Working Under the Control of ESS

Responsible for:

- Carrying out asbestos surveys and sample testing, in compliance with relevant legislation and guidance;
- Carrying out asbestos air testing analysis; in compliance with relevant legislation and guidance;
- Issuing reports to the Asbestos Officer on the findings and results of the inspections and testing;
- Delivering asbestos-related training; and
- Providing expert advice to responsible parties on the management of asbestos.

6.8 Corporate Health and Safety Manager

The Corporate Health and Safety Manager is responsible for:

- Defining the content of this Policy and reviewing on an annual basis and after any major incident, and updating as necessary;
- Providing guidance, interpretation and materials as required, to help achieve compliance with this Policy;
- Ensuring all notifiable asbestos-related incidents are reported to the Health and Safety Executive;
- Ensuring all notifiable asbestos-related incidents are investigated;
- Providing asbestos training, as part of the corporate health and safety training schedule;
- Defining the minimum required compliance information / metrics that should be used to continually evaluate compliance, and reporting onwards appropriately; and
- Ensuring consultation with employees and their representatives on health and safety matters, including asbestos.

6.9 Line Managers

Responsible for:

- Ensuring that the Policy is communicated, understood and followed by their direct reports and others under their control;

- Ensuring that appropriate asbestos training is conducted for their direct reports and others under their control, and records are maintained;
- Ensuring health surveillance is carried out for employees who work with asbestos; and
- Referring 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.

10.1 Contractor Management

It is the responsibility of the Contract Owner within the Service Area / Department to:

- Ensure that any contractor appointed to carry out asbestos works is competent and, where appropriate, licenced for the type of work being carried out;
- Ensure that appointed contractors have suitable procedures in place for the management of sub-contractors;
- Provide contractors with all necessary information including this Policy and relevant Procedures; and
- Ensure that the contractor provides information to the relevant Asbestos Officer on the removal or encapsulation of any ACM.

Related documents

- 7.1 Related documents include:
- 7.1.1 Council Health and Safety Policy
 - 7.1.2 Asbestos Procedures
 - 7.1.3 Control of Asbestos Regulations 2012

Equalities impact

- 8.1 There are no equalities issues arising from this policy.

Sustainability impact

- 9.1 There are no sustainability issues arising from this policy.

Risk assessment

- 10.1 Inhalation of asbestos fibres can result in asbestos related diseases including lung cancer and malignant mesothelioma, and non-malignant disorders such as asbestosis.

- 10.2 The potential impact of failure to manage asbestos also includes legal liabilities, regulatory censor, financial losses, business disruption and reputational damage.

Review

- 11.1 In line with the Council's Policy Framework, this policy will be reviewed annually or more frequently if required.