

# Asbestos Health and Safety Policy



## Document Control

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<b>Policy Author(s) and Owner</b>	Colin Leaver, Corporate Health and Safety Lead
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# 1. Purpose Statement

- 1.1 The purpose of this Policy is to set out the policy objectives and organisational arrangements in place across The Council (“the Council”) for the management of asbestos.
- 1.2 The Council takes a pro-active approach to managing asbestos throughout both the domestic and commercial property within its estate. This policy and its supporting documentation set out the arrangements for both staff and contractors. The aim is to ensure compliance with all relevant health and safety legislation and to reduce risk of harm to staff, partners and members of the public from exposure to asbestos.
- 1.3 The procedural arrangements detailing the control measures and work methods outlined in this Policy are set out in the Council’s [Asbestos Management Plan](#) .

# 2. Definitions

The following terms and definitions are used within this policy and supporting documentation:

- **ACMs:** Asbestos Containing Materials; any material or substance which contains asbestos.
- **Asbestos:** a group of naturally occurring minerals used in the construction industry prior to 2000, which when inhaled can cause several serious health problems.
- **Asbestos exposure:** When ACM is damaged, it can release a fine dust that contains asbestos fibres. When the dust is breathed in, the asbestos fibres enter the lungs and can gradually damage them over time.
- **Asbestos Management Plan:** this is the supporting procedural document which details how asbestos will be managed in ACC properties and what activities will be engaged to ensure people remain safe from asbestos exposure.
- **Construction Work:** very wide ranging list of activities including the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, decoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure, and also including the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure.
- **Electronic Asbestos Register:** An up to date record of all asbestos remaining on site containing surveys and relevant asbestos documents.
- **HSE:** The Health and Safety Executive; the UK’s Regulator for workplace health and safety.
- **RIDDOR:** The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2015 puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

- **So far as is reasonably practicable:** the level of risk in a particular situation can be balanced against the time, trouble, cost and physical difficulty of taking the measures required to avoid the risk.

### 3. Application and Scope Statement

- 3.1 The requirements within this Policy apply to all domestic and commercial premises owned or operated by the Council where asbestos is or may potentially be present. The principles also apply to properties occupied, or worked on, by ACC Staff and representatives in conjunction with the building owner's responsibilities.
- 3.2 The Council shall manage all asbestos within their properties in line with the requirements of the Control of Asbestos Regulations 2012. This requirement for construction works is the same whether the properties are domestic or non-domestic.
- 3.3 The management of asbestos is governed by the Control of Asbestos Regulations 2012 (CAR) for all buildings, with the exception of Regulation 4, where the requirements differ between domestic and non-domestic properties. The Council is committed to complying with this legislation to manage the risks from asbestos so far as is reasonably practicable.
- 3.4 Regulation 4 places an explicit duty to locate, assess and manage the presence and condition of any asbestos-containing materials (ACMs) in non-domestic properties and the communal areas of domestic properties. To allow the Council to manage this effectively an electronic risk register is managed and maintained.
- 3.5 The 'duty to manage asbestos' requirements of regulation 4 of CAR do not apply to domestic premises. Unlike non-domestic premises there is no duty to survey domestic properties for asbestos, but this must be completed before any works/repairs are undertaken to assess the presence of asbestos and how to deal with it if it exists. The Council maintains a record of these surveys across the domestic estate on the electronic risk register.
- 3.6 Due to the age and nature of the Council's estate, there is a potential health hazard arising from exposure to asbestos. Many buildings owned by the Council were built or refurbished prior to 2000 and the use of ACM's in their construction was common practice. It is possible that employees could encounter asbestos whilst undertaking work activities. The location of any known ACM's in these premises is recorded in the Council's Electronic Asbestos Register. However not all domestic properties have been surveyed for asbestos due to the high number of properties. However, a percentage of all property types have been surveyed which is an HSE accepted and reasonably practicable method of identifying locations of asbestos within properties.
- 3.7 It has been established that there is no risk to human health from the presence of asbestos in buildings where it is in good condition, undamaged and left undisturbed. It is only when there is a release of asbestos fibres from products containing asbestos that there is a risk to human health.
- 3.8 The Council is required to notify HSE of construction works, which meet certain specified criteria before work commences, either under the Control of Asbestos Regulations 2012 and/or those construction projects under the Construction (Design and Management) Regulations 2015, to which the Health and Safety Executive (HSE) can carry out ad hoc visits.

## 4. Responsibilities

### 4.1 The Council

As employers the Council has a general duty under health and safety law when carrying out activities that could foreseeably cause harm. The primary duty of care is owed through the employer-employee relationship in which the employer owes a duty of care to ensure that work activities that could result in harm to the employee are assessed and controlled. This duty of care cannot be delegated away; instead each act of delegation must also be accompanied by a realistic and workable system of monitoring or supervision to ensure that the delegated task has been adequately implemented (i.e. the responsibility is not met by giving directions; it is only met when those directions have been confirmed as carried out). The result is a cascade of delegated accountability that runs through the organisation via the line management network as set out below. The level of assurance required that actions have been completed should be commensurate with the risk of the activity.

### 4.2 Staff Governance Committee

The Staff Governance Committee is responsible for ensuring the effectiveness of the Council's system of health and safety management and as such is the approval authority for this policy.

### 4.3 Chief Executive

The Chief Executive, as the most senior officer, has overall responsibility for all aspects of the management of asbestos within all premises owned or occupied by the Council. The Chief Executive is responsible for ensuring that adequate resources are in place to meet all statutory requirements and that appropriate policies and procedures are implemented. In practice the Chief Executive would delegate responsibility to Directors for the management of asbestos within their areas of responsibility.

### 4.4 Directors

Directors hold overall accountability for ensuring that their Functions have procedures developed and in place which ensure that they comply with the overall operation of the Asbestos Policy and Asbestos Management Plan. This includes taking responsibility for breaches within their Functions and ensuring remedial actions are concluded. Where the breach involves a failure of staff to comply with the Asbestos Policy, Asbestos Management Plan and Local Procedures the Directors should consider taking the appropriate actions, e.g. additional training etc. Where the failure is of the local procedures the Directors should take the appropriate steps to address the failings. In practice Directors would delegate responsibility to Chief Officers for the management of asbestos within their areas of responsibility.

### 4.5 Corporate Landlord

The Corporate Landlord is responsible for managing and implementing the requirements of the Asbestos Policy and Asbestos Management Plan within Council-owned properties. The Corporate Landlord is responsible for ensuring that an effective asbestos management process is produced and maintained for all buildings, including assessment and management of risk and maintenance of an electronic asbestos register (EAR) where required by Regulation 4 of CAR.

#### **4.6 Chief Officers**

Chief Officers, where relevant, are responsible for ensuring that procedures are drafted in line with the requirements of this Policy for works their Cluster undertakes involving asbestos. They are also responsible for ensuring that all staff and any external contractors employed to undertake work for ACC comply with the requirements of the Asbestos Policy and Management Plan.

#### **4.7 Operations and Resources Functions Management:**

Managers who have responsibility for employees who carry out Construction and Design work for general construction; refurbishment; demolition and maintenance works shall ensure that procedures for this work are drafted in line with the requirements of this policy. They are also responsible for the day to day management and implementation of the Asbestos Policy and Management Plan within their areas of responsibility.

#### **4.8 Corporate Health and Safety Lead**

The Corporate Health and Safety Lead is responsible for ensuring that the Asbestos Policy is in place and developed and regularly reviewed as required and audited, thereby ensuring safe systems of work are always in place relating to asbestos. They are also required to provide advice and guidance to all levels of management with regards to the requirements of this Policy and the Asbestos Management Plan. They are also required to advise Clusters on local procedures to ensure that they are compliant.

#### **4.9 Hard FM Manager, Asbestos Management Officer**

The Hard FM Manager and the Asbestos Management Officer, herein known as the Asbestos Management Teams, are responsible for producing and maintaining an effective asbestos management process for all buildings, including assessment and management of risk and maintenance of an Electronic Asbestos Register (EAR) where required by Regulation 4 of CAR.

#### **4.10 Asbestos Surveyors**

The Asbestos Surveyors are employed within the Domestic Asbestos Management Team and support the Domestic Asbestos Management Officer in the day to day activities of managing asbestos.

#### **4.11 All Staff**

All staff are required to take precautions and reasonable care with regard to their own safety, and health and that of any other person(s) who may be adversely affected by their actions. Staff are required to practice and promote a positive health and safety culture and follow specific guidelines set out in this Policy with regard to safe management of asbestos in relation to Council premises and business.

4.12 Any failure to follow this policy may result in individuals being investigated under the Council's Disciplinary Procedure.

### **5. Supporting Procedures and Documentation**

5.1 This policy document should be read with reference to the Council's Corporate Health and Safety Policy.

5.2 This document should also be read together with the associated Asbestos Management Plan. This Management Plan provides more clarity on the roles and responsibilities of office holders with regards to the management of asbestos within ACC.

## 6. Policy Statement

6.1 The Council recognises its duty of care and its statutory obligation to effectively manage the presence of ACMs within all its premises. This refers to the general duties of ACC under the Health and Safety at Work etc Act 1974 and specific duties under the Control of Asbestos Regulations 2012 (CAR), in particular Regulation 4, the duty to manage asbestos in non-domestic premises. The Council acknowledges the health hazards arising from exposure to asbestos and will, so far as reasonably practicable, take all measures to prevent the exposure of staff, tenants, school pupils, contractors, or any other persons to airborne asbestos fibres. This will be achieved by:

- The creation, implementation and maintenance of a robust Asbestos Management Plan which includes arrangements for establishing the presence of asbestos in premises covered by this policy and the arrangements for assessment and management of risk associated with any asbestos that is shown or is liable to be present.
- Ensuring that all information on the presence of any known ACMs is disseminated to those who may be affected or are potentially at risk and to freely provide information on request.
- Ensuring all staff to work towards a positive asbestos culture where everybody recognises and understands their responsibilities.
- Ensuring all Council employees who are responsible for managing buildings or departments are aware of the location of asbestos within all areas under their control and that they do not permit anyone to undertake work within their area that is likely to damage any known asbestos or release asbestos fibres into the atmosphere without consulting The Council Asbestos Management Teams for advice.
- Provision of the appropriate level of asbestos education training and equipment for all staff requirements as set out in the Council's Asbestos Management Plan.
- The recording and investigation of all asbestos-related adverse events and near misses will be facilitated through the Council's incident and near miss reporting system. The Asbestos Management Teams will be responsible for subsequent communication of any feedback and lessons learned.
- Materials are presumed to contain asbestos unless there is strong evidence that they do not.

## 7. Risk

7.1 The construction work both undertaken by and procured by the Council have the potential to expose employees and contractors to asbestos containing materials if not managed correctly. Exposure to asbestos is known to cause diseases such as mesothelioma and lung cancer, which according to the HSE is the cause of up to 4000 deaths per year. Those suffering from an asbestos-related disease will have inhaled a significant amount of asbestos, sometime in the preceding 15 to 60 years.

### **Overall Risk to the Council**

7.2 The Council is responsible for tens of thousands of construction work activities each year, which have the potential for employees and others to be exposed to asbestos if the risks are not correctly



managed. Any failure to manage asbestos effectively could result in the Council being under the scrutiny of media resulting in reputational damage. Any reported incidents or media exposure could result in investigations from the Regulating Authority, the Health and Safety Executive. These investigations have the potential to result in prosecution and/or fines; and/or financial penalties under the current The Health and Safety and Nuclear (Fees) Regulations 2016.

### **Risk to individual Functions/Clusters**

- 7.3 Individual Functions/Clusters should assess the work they carry out to identify where their service delivery presents the risk of exposing employees and others to asbestos. Where this risk is identified Directors and Chief Officers should ensure that procedures are put in place, which details the processes, and safe systems of work to prevent exposure to asbestos, including a monitoring process. This will reduce the risk, so far as is reasonably practicable, of exposure to asbestos.
- 7.4 Each local asbestos procedure will include monitoring of the work and the roles and responsibilities required by the procedure to ensure compliance.

## **8. Policy Performance**

- 8.1 The effectiveness of the policy and supporting documentation will be determined by a reduction in, or elimination of, significant asbestos incidents requiring to be reported to the HSE which could damage citizens, staff, assets, finances, reputation or service delivery.
- 8.2 The Corporate Health and Safety Team will carry out selected audits on local asbestos procedures to monitor that these are being followed and complied with.
- 8.3 The performance of health and safety and where relevant this policy and associated processes will be reported to the Staff Governance Committee as part of the normal committee reporting process.

## **9. Design and Delivery**

- 9.1 The policy implements the governance principles of the Target Operating Model (TOM) by ensuring that responsibilities are allocated to specific roles. This should ensure that asbestos-related work is managed pre-start of work before issues arise and during the entire life of any project.

## **10. Housekeeping and Maintenance**

- 10.1 The supporting documentation specified within this policy will be reviewed and updated every three years or when required by changes in legislation.
- 10.2 Unless otherwise required, this policy will be subject to a planned annual review.

## **11. Communication and Distribution**

- 11.1 This policy and supporting documentation will be shared directly with all relevant Clusters contributing to the management and control of asbestos. They will be required to have a process which cascades these documents and local procedures to relevant staff.
- 11.2 The policy and all supporting documentation will be available for review on the organisation's shared areas on the Intranet.

## 12. Information Management

- 12.1 The location of any asbestos containing materials shall be recorded within ACC's electronic asbestos risk register.
- 12.2 Any significant asbestos incidents which result in HSE intervention shall be reported to the Corporate Management Team (CMT).

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