

# **Policy on the Management of Asbestos in Buildings.**

December 2012



# Bolton Council

## Policy on the Management of Asbestos in Buildings

### 1.0 Scope

The Council has responsibility for a large number of buildings (e.g. public and administrative buildings, commercial properties, works depots, care facilities of various types). It is likely that asbestos-containing materials are present in some of these buildings. This policy relates to the potential hazards arising from exposure to such materials. With regard to the encounter of asbestos containing materials (ACM's) by employees carrying out other types of work e.g. refuse collection, fly-tipping clearance, grounds maintenance etc, local arrangements will be in place and do not fall under the scope of this document.

The Authority recognises its responsibilities for the management of asbestos both as the employer (where this is the case) and also in discharging its duty of care to staff, the public, including pupils and service users who may be affected by the Council's undertaking.

The Council's existing Safe Working Practices and Policy on the management of asbestos are brought into line with current legislation by this policy. All previous policy documents on the management of asbestos in buildings are now replaced by this document.

### 2.0 Policy

#### 2.1 Standards

Bolton Council recognises its responsibilities as an employer under the Health and Safety at Work Act 1974, to provide and maintain so far as is reasonably practicable, a healthy and safe environment for employees and those who may also be affected by the Council's undertaking.

The Control of Asbestos Regulations 2012 (CAR 2012) also place the responsibility on Duty Holders to identify ACM's (and presumed ACM's) and within their premises, assess the level of risk and implement an Asbestos Management Plan to manage those risks.

The duties imposed by Regulation 4 of CAR 2012 supplement the requirements of other pieces of legislation such as:

- sections 2, 3 and 4 of the Health and Safety at Work Act 1974,
- the requirement for risk assessment under the Management of Health and Safety at Work Regulations 1999,(including the 2006 Amendment)

- the Workplace (Health, Safety and Welfare) Regulations 1992 which require employers to maintain workplace buildings so as to protect occupants and workers,
- the Construction (Design and Management) Regulations 2007 also require the client to pass on any information about the state or condition of premises to the CDM Co-ordinator before work begins,
- and the Defective Premises Act 1972 which requires Landlords to ensure that Tenants are free from harm resulting from the state of the premises.

Additional legislation and guidance in respect of Asbestos can be found in:

- Asbestos licensing regulations L11 (1983 as amended 1998)
- A comprehensive Guide to managing Asbestos in Premises HSG227
- Asbestos: The survey guide HSG264 (Second edition)
- Asbestos essentials: A task manual for building, maintenance and allied trades on non-licensed asbestos work HSG210 (Third edition)

These documents are essential to allow you to make more informed decisions in respect of asbestos in your premises, but the list is not exhaustive.

A useful resource is the HSE website: <http://www.hse.gov.uk/asbestos>

## **2.2 Training and Information**

All staff involved in the management of the buildings must be adequately informed of their role, responsibilities and the actions required of them to maintain the asbestos management arrangements. This will be facilitated by Corporate Property Services (CPS) and the Occupational Safety and Health Unit.

Information and advice can be sought from Corporate Property Services (help desk 01204 331234) and the Occupational Safety and Health Unit (01204 331210) as required.

## **3.0 Planning**

Asbestos will be managed through a process of risk assessment, control, monitoring, and review.

The process for asbestos management in premises is summarised in Appendix 1. Key roles are the Duty Holder and the Premises Manager (Responsible Person ) these will be supported by CPS, the Occupational Safety and Health Unit (OSHU) and where appropriate, the Children Services Asset Management team which has responsibility for school premises.

Defining who will carry out these roles in relation to each relevant premise is a complex process dependent upon factors such as ownership and occupation of the building, control of resources, contractual leases, management agreements etc. Consequently a schedule identifying the parties responsible for carrying out these roles for each building will be compiled and maintained by CPS. An example is shown at Appendix 4.

### 3.1 Roles and Responsibilities

#### 3.1.1 Duty Holder

In CAR 2012 “the dutyholder” means—

*(a) every person who has, by virtue of a contract or tenancy, an obligation of any extent in relation to the maintenance or repair of non-domestic premises or any means of access or egress to or from those premises; or*

*(b) in relation to any part of non-domestic premises where there is no such contract or tenancy, every person who has, to any extent, control of that part of those non-domestic premises or any means of access or egress to or from those premises, and where there is more than one such dutyholder, the relative contribution to be made by each such person in complying with the requirements of this regulation will be determined by the nature and extent of the maintenance and repair obligation owed by that person.*

In respect of Bolton Council properties there is frequently more than one such duty holder. Primarily the duty falls on Bolton Council itself to ensure the risk from Asbestos Containing Materials (ACMs) is adequately managed for the premises within its undertaking and the Council will ensure that adequate resources are provided for the full and effective operation of the policy.

It will ensure that effective mechanisms are in place and appoint relevant people to be managerially responsible for the implementation and monitoring of the appropriate control measures.

For clarification: In Voluntary aided (e.g. Church and Grant-maintained schools), or Independent schools (Academies) the Governing Body is the Duty Holder.

#### 3.1.2 People carrying the responsibility of the Duty holder

Within the Hierarchy of the council, responsibility is carried from the Chief Executive, Deputy Chief Executive through the councils Chief Property Officer to other managers who have responsibility for overall statutory compliance or general building management. This may be one specific property (e.g. a school head) or group of properties (estates manager).

It is important that each ‘responsible person’ is aware of the duty they are holding and fulfils their role in the safe management of asbestos in buildings within their control.

#### 3.1.2 Premises Manager

The Premises Manager is a duty holder who may be a person who is in occupation of the premises or may be remotely located but with day-to-day management responsibility for the premises. The role of Premises Manager may also be provided through CPS.

The Premises Manager will be defined within the council's property database for each relevant property. They will ensure that the necessary inspections and controls are completed in accordance with the relevant asbestos management plan and that the asbestos management plan is reviewed annually and kept up to date.

### 3.1.4 Corporate Property Services

Corporate Property Services will ensure that the responsibilities of Bolton Council are effectively carried out. It will provide competent advice in respect of asbestos management and ensure this policy is updated as required.

When requested, CPS will carry out the role of Premises Manager or assist with compliance management via a Service Level Agreement (SLA).

### 3.1.5 Children's Services Asset Management Team

The role of the Children's Services Asset Management Team will be to assist CPS in undertaking their role to appropriately manage asbestos across the Council's buildings, in respect of Children's Services Buildings.

### 3.1.6 Corporate Health and Safety team

The Health and Safety team can provide competent advice in relation to the management of risk and the development and review of policy and procedures. Periodic audit of the asbestos management system by Health and Safety practitioners can be undertaken, usually via a scheduled audit programme. The Principal Health and Safety Manager will also take the lead in liaising with the Health and Safety Executive in the event of any incident or suspected incident.

## 3.2 Emergency Procedures

The following procedure should be followed whenever materials are found which are suspected of containing asbestos:

- Any work must be stopped immediately and the area isolated and cleared of people. Notices should be posted to keep people out of the affected areas.
- Any person who is visibly contaminated with dust or debris must be contained within an adjacent area and not allowed to leave the vicinity until clothing and PPE has been decontaminated or disposed of as contaminated waste.
- The situation must be reported immediately to the Corporate Property Services Helpdesk (Telephone Number 331234) and the Occupational Safety and Health Unit (Telephone Number 331210).
- CPS will check the Asbestos Survey Report for the premises and confirm whether known ACMs are present. They will advise on an appropriate course of remedial action. If the material has been damaged or disturbed, a full investigation will be undertaken by the Occupational Safety and Health Unit to determine why known ACMs have been disturbed.
- Where the report does not show that asbestos is present, the material should either, be sampled and analysed by competent persons or should be assumed to be ACM. Subsequent remedial and clearance work must be carried out by a Contractor licensed to work with asbestos materials who will be equipped with the

correct PPE. Clearance testing must be carried out before the area is handed back for re-use or occupation.

- In cases where damaged ACM has been found background monitoring will be carried out to ensure that exposure levels are within specified limits.
- The provision of advice and information to those who may have been exposed as a result of the emergency situation must be carefully considered in full consultation with the Occupational Safety and Health Unit.
- The Occupational Safety and Health Unit will be responsible for informing the Health and Safety Executive of any incidents notifiable under RIDDOR arising as an emergency.

### **3.3 Review**

The Council will provide an asbestos management plan for each property through CPS.

The AMP must be reviewed by the Premises Manager every 12 months (and updated as required)

or sooner:

- when there is any significant alteration, modification or destructive work to the premises or relevant areas of it
- when there are changes to the use of the building
- when the result of checks indicate that control measures in the management plan are no longer effective
- if for any other reason it is believed that the asbestos management plan may no longer be valid

This asbestos management plan review can be provided through CPS.

## **4.0 Implementation and Operation**

Asbestos in buildings will be managed through a process of risk assessment, control, maintenance, monitoring and review.

### **4.1 Management procedure**

#### **4.1.1 Identification**

Risk from asbestos arises when asbestos is disturbed or damaged. The fibres are released into the air and people breathe them in. Working directly on an asbestos material will result in release of fibres and simply working in the vicinity of asbestos materials may result in exposure particularly if it is in poor condition.

The Duty Holder must ensure that risk assessments are carried out on all relevant buildings to identify the location and condition of any ACM's present or likely to be present and these must be recorded. This will be done in accordance with HSE HSG264 Asbestos: The survey guide.

An Asbestos Management Survey and Asbestos Management Plan will be provided by CPS for all buildings. This will include marked drawings of the ACMs together with a site specific asbestos register for each building.

The ACMs will be assessed for risk and an appropriate recommendation will be made as to the management strategy for that material.

Additional premises acquired by the Council will be included into the asbestos management system. No premises shall be acquired or leased in by the council except through CPS.

#### 4.1.2 Evaluation and Control

On the basis of these documents, the Premises Manager will ensure that all necessary actions are carried out as required, i.e. ACMs which are found to be in a poor condition will be immediately repaired or removed.

All works must conform to the approved practices and standards in force at the time. Advice will be available through CPS and the Occupational Safety and Health Unit.

ACMs in acceptable or good condition will remain in place and be subject to an appropriate management regime.

In buildings built after 2000 or where the 'Management survey' has not identified the presence of asbestos, no further action need be taken unless work which will involve breaking into the structure is required, in which case a local 'Refurbishment or Demolition survey' must be arranged.

A 'Refurbishment or Demolition survey' will be undertaken on premises which are being refurbished / demolished or where planned work is intrusive on the fabric of the building in any way and there is insufficient information to confirm whether or not asbestos is present.

If this is not procured through CPS, a copy of the asbestos survey report including marked drawings must be provided to the Premises Manager and CPS to ensure that the master asbestos register is updated.

#### 4.1.3 Monitoring and Review

The asbestos management plan will include measures for ensuring that information about location and condition of asbestos is provided to every person who may disturb it and is made available to the emergency services.

It will also detail the arrangements for monitoring the condition of ACM's within the premises, the operation of the control procedures and for reviewing and revising the plan.

The asbestos management plan will be reviewed by the Premises Manager at least every 12 months in line with the Approved Code of Practice to the Control of Asbestos at Regulations 2012.

The Premises Manager will ensure that the appropriate monitoring of ACMs being managed in-situ is carried out as described and recorded in the asbestos management plan for the building.

The Premises Manager will be responsible for ensuring the integrity of control measures for asbestos and the condition of the ACMs at all times and must take appropriate action (or notify CPS) should any event affects these conditions. (e.g. restrict access, arrange for environmental clean, maintain full records, etc.)

Where there are subsequent modifications or changes to the premises the Premises Manager will ensure that the appropriate areas are re-surveyed and re-assessed. If these modifications or changes are not made under the direction of CPS, they must be notified with details of the changes on completion of the works.

#### 4.1.4 Health Surveillance

Where asbestos in buildings is effectively managed in situ there will be no need to provide health surveillance for those working in the building. However, where any employee has been inadvertently exposed to asbestos fibres, health advice will be provided and a note kept on the individual's Occupational Health file. If it is suspected that exposure will have exceeded the action level, adequate medical surveillance will be provided as prescribed in the Control of Asbestos Regulations 2012. This will be delivered via the Occupational Safety and Health Unit and a suitable health record kept for at least 40 years.

## 4.2 Training/Awareness and Competence

### 4.2.1 Training

The council will ensure that all Responsible People / Premises Managers are provided with appropriate instruction and information so that they understand the requirements of this Policy and the Asbestos Management Plan as it applies to their buildings.

The Premise Manager for each site will ensure that any staff who have been delegated roles or tasks forming part of the asbestos management system are adequately informed or trained to carry out the role competently. They will ensure that staff, public, including pupils and service users are familiar with the requirements of the Asbestos Management Plan relevant to their buildings.

Assistance will be provided on request from CPS but may be subject to an SLA/cost.

### 4.2.2 Use of Competent Specialists and Advisors

Where a Responsible Person or Premises Manager chooses to engage a third party to assist them in meeting their obligations, the third party must be asked to provide proof of their level of competence in this area of work.

Surveyors should work for an organisation which is UKAS accredited to ISO 17020 or should have personal certification from a body which has been accredited by UKAS to issue this certification, and should hold the BOHS P402 qualification as a minimum.

Guidance in respect of Contractors is available via the HSE Asbestos Liaison Group:

<http://www.hse.gov.uk/aboutus/meetings/committees/alg/members.htm>

There are two trade associations for asbestos removal contractors, ARCA (Asbestos Removal Contractors Association) and ACAD (Asbestos Control and Abatement Division of TICA, Thermal Insulation Contractors Association).

Any laboratory carrying out air sampling for asbestos fibres should be accredited to ISO/IEC 17025. A list can be obtained from UKAS. All accredited laboratories must also be members of the Regular Inter-laboratory Counting Exchanges scheme (RICE).

#### 4.2.3 Health and Safety Executive involvement

The Occupational Safety and Health Unit will be responsible for informing the HSE of any incidents Notifiable under RIDDOR. It will take the lead in any investigation and in liaison with the Health and Safety Executive on any matter relating to asbestos.

### 4.3 Documentation and Data Control

The master schedule of the assignment of roles will be held and maintained by CPS.

Where Bolton Council is the main duty holder a master copy of each asbestos survey report and AMP will be kept by CPS. Premises Managers will be required to provide a copy of any subsequent reports and risk assessments which have been obtained without the involvement of CPS.

A Copy of the survey report and risk assessment will be held at each site or with the Premises Manager where the building is not permanently occupied.

General monitoring checks carried out on-site by the Premises Manager will be recorded within the Asbestos Management Plan.

### 4.4 Operational controls – Control of Contractors

Any Contractor coming onto site will be shown a copy of the Asbestos Management Plan by the Premises Manager (or their representative) and made aware of its implications, in relation to the prevention of asbestos risk on site. The Premises Manager will keep a record signed by each contractor to confirm that they have complied with this requirement.

**Ref: Appendix 2**

## 5.0 Checking and Corrective Action

The operation of the Asbestos Management Plan on site will be audited annually by technical staff from CPS and may be audited periodically by the Health and Safety Practitioners.

## **6.0 Management Review**

This policy will be monitored on an on-going basis and reviewed by the council within 5 years, or sooner in the event of any changes in legislation or Approved Code of Practice or other policy or re-organisation likely to affect it.

Progress on implementation and review will be reported to the relevant JCCs for consideration.

## **7.0 Appendices**

Appendix 1	Asbestos Management Summary
Appendix 2	The Management of Asbestos Containing Materials (ACM's) for Contractors / Maintenance Personnel:
Appendix 3	Asbestos Management – Planned Maintenance Flow Chart:
Appendix 4	Role and Responsibilities schedule – sample

**Determine Policy**

Bolton Council sets the policy for Management of Asbestos in buildings based on advice from CPS and OSHU

**Monitoring the condition of asbestos known to be present in buildings**

CPS will ensure that an 'initial' asbestos management plan is produced for every building.

The Premises manager is to ensure that the asbestos management plan is kept up to date and is reviewed at least annually

**Asbestos Awareness**

CPS will make available advice and training in respect of asbestos awareness.

The Premises manager is to ensure that all the building users are aware of where asbestos is located and any precautions that are required.

**Monitoring the condition of asbestos known to be present in buildings**

The Premises Manager is to ensure that:

- The asbestos management plan is kept up to date and is reviewed at least annually
- Any recommended actions in the plan are to be carried out as required
- Any deterioration in the condition of asbestos is noted and appropriate action taken to prevent further deterioration and ensure the area is safe.

**On discovering damaged asbestos:**

The Premises Manager shall make the area safe and restrict access: Refer to section 3.2 of this policy

**Before carrying out any maintenance or refurbishment work that may break into the structure of the property:**

The Premises Manager shall ensure a Refurbishment/ Demolition Survey has been carried out. See also APPENDIX 3.

***If in any doubt about asbestos:***

***Do not disturb, restrict access, inform the premises manager and obtain advice from:***

- ***an asbestos consultant,***
- ***or ring Corporate Property Services help desk on 331234,***
- ***or the Occupational Safety and Health Unit (Telephone Number 331210).***

**The Management of Asbestos Containing Materials (ACM's) for Contractors / Maintenance Personnel:**

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Tel No \_\_\_\_\_

Exact location of work (Block/Floor/Room/Area):  
\_\_\_\_\_  
\_\_\_\_\_

Nature of work: \_\_\_\_\_  
\_\_\_\_\_

Have you read and checked the Asbestos Management Plan / Asbestos Register?

Yes – Proceed to next question

Are there known or suspected Asbestos Containing Materials (ACM's) present in the area of work?

No – Work can proceed. However it must be understood that there may still be asbestos present and caution must be taken

Yes – Contractor to make assessment as to whether the ACM's will be disturbed whilst undertaking the work

Is there likelihood that ACM's will be disturbed whilst undertaking the work?

No - Work can proceed. However it must be understood that there is asbestos present and caution must be taken

Yes – Work is not to be undertaken. Sign below stating that the work cannot be carried out and state the reason. Bring to the attention of the premises manager.

I have read the above in conjunction with the asbestos register and will fully abide by the criteria laid down:

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

I have read the above in conjunction with the asbestos register and cannot undertake this work for the following reasons:

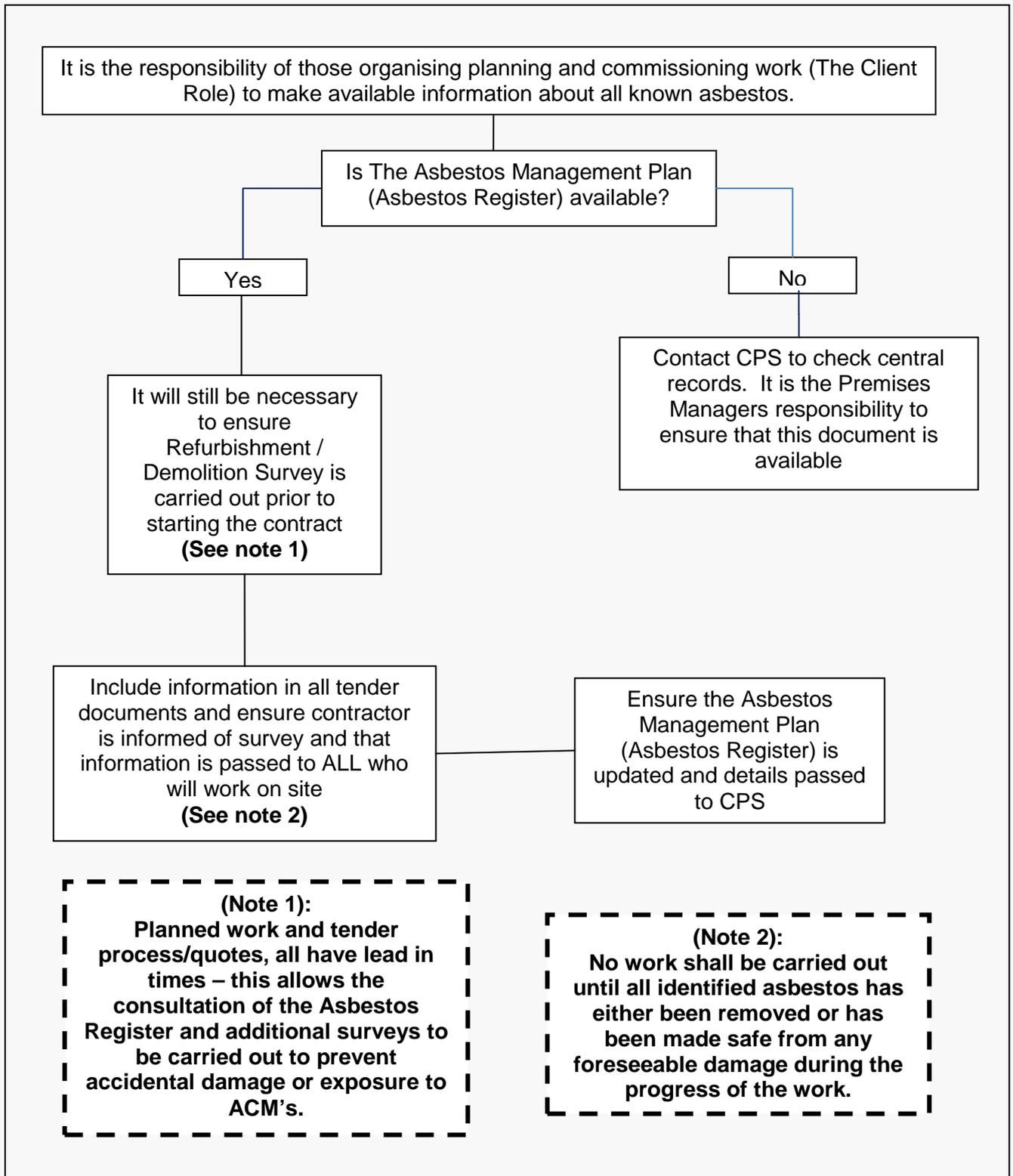
Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**At all times CPS is available to give advice and help ensure compliance with this policy. Please call the CPS help desk – 01204 331234**

# Asbestos Management – Planned Maintenance Flow

## Chart:



At all times CPS is available to give advice and help ensure compliance with relevant health and safety policy. Please call the CPS help desk – 01204 331234

**SAMPLE SCHEDULE OF ROLES IN RESPECT OF ASBESTOS MANAGEMENT (Nov 2012)**

<b>Property</b>	<b>Property Type</b>	<b>Premises Manager (Responsible Person)</b>	<b>Duty Holders</b>
Bolton Town Hall	Council Admin Building	CPS Facilities Manager	<p style="text-align: center;"><b>Bolton Council:</b></p> <p style="text-align: center;">Chief Executive, Deputy Chief Executive through the councils Chief Property Officer to other managers who have responsibility for overall statutory compliance or general building management</p>
Alderbank EPH	Residential Home	Community Resource Manager	
Farnworth Library	Library	Library Manager	
Overdale Crematorium	Crematorium	Manager/Registrar Cemeteries & Crematorium	
Queens Park Public Toilets	Toilet	Head of Service (Neighbourhood Services)	
Haslam Park CP School	Primary school	School Head	
Regent Park Golf Club	Leased out property	Lessee	
58 Ashburner Street (Leased out Property)	Shop Unit	Estates and Property Manager (until clarified otherwise)	<b>Bolton Council</b> - Duty formally discharged to Lessee through contract. (Where Lease is unclear that Asbestos Issues are the responsibility of the Lessee)
2 Merehall View	Leased in residential house	Property Manager	<b>Bolton Council</b>
Canon Slade School	Diocesan school	School Headmaster	Schools Board of Governors
Horwich Leisure Centre	Leisure Centre	SERCO – General Technical Manager	Bolton Council - Duty formally discharged to Bolton Community Leisure
Little Lever Sports Centre	Dual use leisure facility (with school)	SERCO – General Technical Manager	

**For further details or any enquiries please contact Corporate Property Services Help Desk on 01204 331234**