

Asbestos Policy and Management System

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1. INTRODUCTION

- 1.1 Asbestos is a naturally occurring fibrous mineral silicate. It was widely used as noise and thermal insulation and as a fire resistant material in buildings due to its physical and chemical properties and because it was a cheap building material. However, the hazard to health of asbestos-containing materials is now well recognised, for example:
- a) Breathing in air containing asbestos dust (fibres) can lead to asbestos related lung diseases.
 - b) Some diseases such as asbestosis are caused by exposure to high levels of airborne fibres for an extended period.
 - c) In others such as cancers of the lung, bronchus and cancer of the lung lining (mesothelioma) breathing in more asbestos fibres increases the probability of disease.
- 1.2 Exposure does not mean that disease will inevitably occur but as a safe threshold for these type of diseases has not been found it is recommended that exposure is avoided altogether or kept as low as is possible.
- 1.3 Wherever asbestos containing materials are located there is a risk of exposure if asbestos fibres are released. Whilst fibre release will probably occur if asbestos containing materials are disturbed and/or damaged, the level of fibre release is dependent upon the type and extent of the damage and the type and composition of the asbestos containing material.
- 1.4 Whilst there is the potential for all occupiers of premises to be exposed, workers (employees and contractors staff) engaged in maintenance, decoration and repair work, are particularly vulnerable to exposure.

2. LEGAL IMPLICATIONS

- 2.1 The Health and Safety at Work etc. Act 1974 imposes a statutory general duty on the Council to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees.
- 2.2 This duty also extends to others who may be affected by the Councils' undertakings (activities) e.g. contractors, tenants, neighbours, visitors and members of the public.
- 2.3 Additional, but more specific duties are placed on the Council by virtue of:
- The Management of Health and Safety at Work Regulations 1999
 - The Control of Asbestos Regulations 2012
 - HSE Approved Code of Practice and guidance - L143 Work with materials containing asbestos.
 - Approved Code of Practice: The Construction (Design and Management) Regulations 2007
 - HSG264. Asbestos: The Survey Guide
- 2.4 The initial requirement of the Management of Health and Safety at Work Regulations 1999 is for the Council to assess the risk to the health and safety of employees and to anyone else who may be affected by the work activity, so that the necessary preventative and protective steps can be identified. It also requires the Council to make arrangements for putting into practice the health and safety measures that follow from the risk assessment.
- 2.5 A duty falls upon the Council that if asbestos is present in a property, this information must be passed to property managers or CDM Co-ordinator (if under the Construction (Design & Management) Regulations 2007) during any property development/maintenance projects, which fall under those Regulations.
- 2.6 Employees, contractors, residents and managers/management groups (housing, community centres etc) also need to be informed about the presence of asbestos in the property to avoid inadvertent damage and fibre release.
- 2.7 All work with asbestos-containing materials is regulated by the Control of Asbestos Regulations 2012. The prime objective of these regulations is to place legal requirements on 'Duty Holders' to 'manage' asbestos risks in properties to prevent exposure to asbestos from work activities and where this is not reasonably practicable to reduce exposure as far as is reasonably practicable.

3. MELTON BOROUGH COUNCIL STATEMENT OF INTENT REGARDING ASBESTOS RISK

3.1 Melton Borough Council accepts that under law it is the employer and will take all reasonably practicable steps to prevent exposure of employees and others, to asbestos.

3.2 Through its management structure, will allocate specific roles and functions to designated employees to manage and control the risk.

Asbestos Risk Management Structure

Overall Management Duty Holder	Chief Executive Strategic Directors, Management Team Heads of Service
Appointed Persons (including day to day managers)	Third Tier (T3) Management The Estates Manager in the Property Team & The Housing Repairs Team Leader in Housing

3.3 It is Melton Borough Council's policy that the 'Duty Holders' with the 'Appointed Persons' will ensure that asbestos-containing materials are not used in any new works to or within properties for which the Council is responsible.

3.4 Each 'Duty Holder' with the appropriate 'Appointed Person' will ensure that Council premises within their service plans are subject to asbestos surveys by approved asbestos surveyors. The purpose of this survey is threefold:

- to identify the extent of asbestos-containing materials present in premises;
- to enable the formation of an asbestos register for premises; and
- to develop an asbestos management system to control the risks.

3.5 Where asbestos containing materials are discovered, the appropriate 'Duty Holder' or 'Appointed Person' will ensure systems are in place so that Premises Managers, or occupiers can effectively manage the risks so that the health of employees, contractors and other people using the premises is not put at risk. Such systems should address the following situations:

- Where asbestos-containing materials are present and in a poor condition such that they pose a serious risk to the health of persons, the 'Duty Holders' in conjunction with the appropriate 'Appointed Person', will ensure the materials will be made safe and removed as soon as practicable.

- Where asbestos-containing materials are present and in a fair condition, (i.e. minor damage), such that they pose a potential risk to the health of persons, the 'Duty Holders' in conjunction with the 'Appointed Person' will ensure the materials are made safe (readily repaired, sealed, encapsulated), as soon as practicable and 'manage' the materials until it is reasonably practicable to progressively remove them.
 - Where asbestos-containing materials are present, but are in good condition and do not pose a serious risk to persons, the 'Duty Holders' in conjunction with the 'Appointed Person' will 'manage' the materials until it is reasonably practicable to progressively remove them.
- 3.6 The 'Duty Holders' and the 'Appointed Persons' will ensure the proper management of works involving asbestos containing materials so that it is carried out in accordance with current legal standards including using licensed and/or approved competent contractors.
- 3.7 The 'Duty Holders' and the 'Appointed Persons' are tasked with ensuring this policy is brought to the attention of all employees and others likely to be affected.

4. MANAGING ASBESTOS RISK IN COUNCIL PREMISES

4.1 Melton Borough Council as the owner of the properties is responsible through its managerial organisation to take all reasonably practicable steps to prevent exposure to asbestos by employees or any other person.

4.2 The structure responsible for managing and controlling the risks on behalf of the Council is described below, see also diagram in 4.5.:

a) 'Overall Management'

Legal accountability for compliance with legislative requirements rests with the Council. However, responsibility for establishing a health and safety framework for the management of asbestos risks on behalf of the Council sits at corporate level and as such the Chief Executive of Melton Borough Council recognises the importance that is given to the management of the Council's assets from a health and safety, as well as commercial prospective. The Chief Executive will therefore liaise with Management Team (MT) on the delivery of the Policy to ensure that the Council's duties are met, through the management structure, to take all reasonably practicable steps to protect employees and others from exposure to asbestos.

b) 'Duty Holders'

Management Team and the Heads of Services with property management responsibilities can be viewed as owning all the property on behalf of the Council, and therefore are joint 'Duty Holders' as defined by Regulation 4 of The Control of Asbestos Regulations 2012. They each have a duty to ensure that they comply with legislation for the management of properties within their Service Plans which includes ensuring that: all properties are maintained in accordance with current legislation relating to asbestos; and that all 'Appointed Persons' (third tier managers and others appointed to manage properties) are trained and competent to manage the properties in their care.

Each 'Duty Holder/Appointed Person' with property responsibility will report annually to the Safety Committee on the status of the asbestos surveys and inspections undertaken, including areas of concern or action taken to ensure the safety of all affected. The latter will also be reported to Management Team.

c) 'Appointed Persons'

Third tier managers and day to day managers (see Asbestos Risk Management Structure on page 5) responsible for property within their Service Plans will be the 'Appointed Person' as defined by HGS264 (Asbestos: The Survey Guide) to help 'Duty Holders' manage asbestos within their area of responsibility on a day to day basis, and will have the direct responsibility for ensuring the implementation of this policy within all premises for which the Council retains ownership. Where leasing

arrangements for any Council premise is in place the responsibilities for asbestos management will be clearly documented e.g. Borough Council or lessee/occupier. Each 'Appointed Person' with Property Responsibility will report annually to their Head of Service – 'Duty Holder' on the status of the asbestos surveys and inspections undertaken and areas of concern or action taken to ensure the safety of all affected.

Each 'Appointed Person' will be accountable to ensure:

- All maintenance work, including risk assessments and specialist monitoring services are carried out to comply with the statutory requirements.
- Representative samples have an asbestos survey undertaken.
- Appropriate statutory and documentary records are maintained for each type of premise.
- Appropriate, effective monitoring systems and compliance checks are in place and implemented to ensure that the risks are being effectively managed in accordance with current legislation.
- The results of any assessments, monitoring and maintenance work undertaken by an Approved Contractor commissioned by the appropriate 'Appointed Person', are recorded and reported to the 'Appointed Person' as part of the compliance checks.

d) Day to Day Management

The 'Appointed Person' may nominate another to monitor the implementation of the asbestos management system. Their role is two-fold, firstly to assist the 'Appointed Person' to implement the written scheme through regular monitoring and supervision of everyone involved in building/demolition, installation, alteration or decorative work, etc. whether it is done by either internal employees or external contractors and secondly, to maintain appropriate records, including:

- Keeping the asbestos register up to date;
- The written asbestos management plan and details of its implementation;
- The results of any monitoring, inspection, test or check carried out and the dates and by whom, and
- Recording all relevant details on the Council's data recording systems.

- 4.3 Following an asbestos survey, the 'Appointed Person' will provide any premise managers or occupiers with extracts from the asbestos register giving details and locations of the asbestos containing materials within the premises. It is the responsibility of those appointed by the 'Appointed Person' to co-operate with the 'Appointed Person' to ensure that asbestos is effectively managed in accordance with this policy so that the risk to the health of employees, contractors and other people using the premises is minimised.

- 4.4 Premise managers or occupiers must seek advice/assistance from the 'Appointed Person' when they discover material they have reason to believe is asbestos or where asbestos material is exposed or damaged.

5. ASBESTOS SURVEY

- 5.1 An asbestos survey of the 'Type' appropriate to a premise will be arranged by the 'Appointed Person' and undertaken by a suitably qualified, competent and approved contractor. Surveys are to be undertaken in accordance with 'HSG264 Asbestos: The Survey Guide'.

- 5.2 The survey will establish the location, form, type and condition of any asbestos containing material with an evaluation of the likelihood of the material being damaged, disturbed or worked on in the future. The survey types noted in HSG264 are as follows:

a) Management Survey

- A standard sampling survey to locate, as far as reasonably practicable, the presence and extent of any suspect asbestos containing material (ACM's) in the building which could be damaged or disturbed during normal occupancy, including any foreseeable maintenance and installation, and to assess their condition.
- The survey will often involve minor intrusive work and some disturbance, and an assessment of the condition of the various ACM's and their ability to release fibres into the air if they are disturbed in some way.
- All inaccessible areas will be assumed to contain asbestos, until can be proven otherwise by a more in-depth survey. Any work carried out on any 'presumed' materials will need to involve appropriate contractors and work methods in compliance with Control of Asbestos Regulations 2012

b) Refurbishment and demolition surveys

- Full access intrusive asbestos surveys extend the 'standard sampling asbestos survey' to include investigations into reasonably and safely accessible sealed voids, and the fabric of the building,
- This survey is typically carried out prior to demolition or major refurbishment in buildings.
- This will include breaking through partition walls, ceilings etc. to confirm the presence or absence of asbestos, and significant damage to the fixtures, fittings and parts of the building occurs.

6. ASBESTOS REGISTER

6.1 The 'Appointed Person' is to ensure the findings of any asbestos survey is recorded in the appropriate Council's asbestos register –

- Housing stock register –Housing Asset Manager

[Q:\13 Housing\Housing Stock\Repairs & Improvements - Housing\asbestos survey\Melton Borough Council\Asbestos Surveys – Housing](#)

- Council stock register - Corporate Property Officer

[Q:\5 Council Property\Asbestos Reports\DEA005997 Properties](#)

6.2 Each Asbestos Register will contain details of the overall risk rating of asbestos containing materials as follows:

a) High Risk

Asbestos materials in a condition or location that necessitates urgent remedial action. These materials are not normally suitable for containment and removal will normally be required.

b) Medium Risk

Asbestos materials in a condition or location where some remedial action is required. These materials may be suitable for containment e.g. encapsulation but removal in the long-term may be appropriate.

c) Low Risk

Asbestos materials in a condition or location that does not give rise to a significant health risk provided it remains undisturbed or undamaged by routine maintenance or regular work activities.

d) Minimal Risk

This material does not pose a risk under normal conditions provided it is not finely abraded. When this material is removed, it must be removed without cutting or abrading and disposed of as special waste.

6.3 The risk assessment in the register is to be updated each time the property or asbestoscontaining material is inspected.

6.4 The Registers will be held and maintained by each 'Appointed Person' for the properties within their Service Plan. For this to occur it is essential that 'Premises Managers' or Property Maintenance ensure any information relating to works

impacting on asbestos containing materials is passed to the relevant 'Appointed Person'.

- 6.5 The Asbestos Register must be consulted whenever any property maintenance, repair, cable/IT installation, alteration or refurbishment works or any other works are considered. Each 'Appointed Person' must ensure contractors are informed of the contents of the asbestos register relevant to the premises on every occasion of work programming.
- 6.6 Contractors must also be reminded of their own health and safety obligations to their own employees in relation to work activities involving material likely to contain asbestos.
- 6.7 All work required by a 'Premises Manager', Property Maintenance or occupier of a Council owned property that might impact on asbestos containing materials will be subject to evaluation by the 'Appointed Person'. Anyone issuing contracts for work or controlling any form of building related work (including minor DIY work and installation of ICT cabling and equipment etc) is to include consideration of the following:
- Budget estimates for asbestos works.
 - Project or work specification
 - Vetting of all contractors
 - Assessment of tender proposals, risk assessments & method statements
 - Management and supervision of asbestos removal project
 - Use only accredited contractors for clearance and reassurance air monitoring resultant from any such removal works.
 - Use only licensed and/or approved asbestos removal contractors

7. TRAINING

- 7.1 Each 'Duty Holder' and 'Appointed Person' shall ensure that those who are appointed to carry out any form of control measure, whether or not internal employees or external organisations, are suitably trained and competent to perform the functions within respective areas of responsibility.
- 7.2 Training provided for staff will range from a basic awareness of the requirements of this policy and any subsequent procedures (including emergency procedures), to formal high-level qualifications relating to the management of asbestos. A training needs analysis must be undertaken to identify training requirements, and to ensure that there is sufficient staff trained to ensure the lines of communication are not broken, including allowances for holidays and sickness.
- 7.3 Each 'Duty Holder' and 'Appointed Person' must ensure that reasonable enquires are made to ensure that external organisation's employees are competent and suitably trained and have the necessary equipment to carry out their duties within the written plans of work, method statements, etc, and also in a safe and adequate manner.

8. MARKING OF ASBESTOS CONTAINING MATERIALS

- 8.1 All asbestos containing material is to be labelled in accordance with the Health and Safety (Signs and Signals) Regulations 1996 unless it is in a public area or a domestic home. The relevant signs to be used are as follows:



Or



WARNING – ASBESTOS CONTAINING MATERIAL

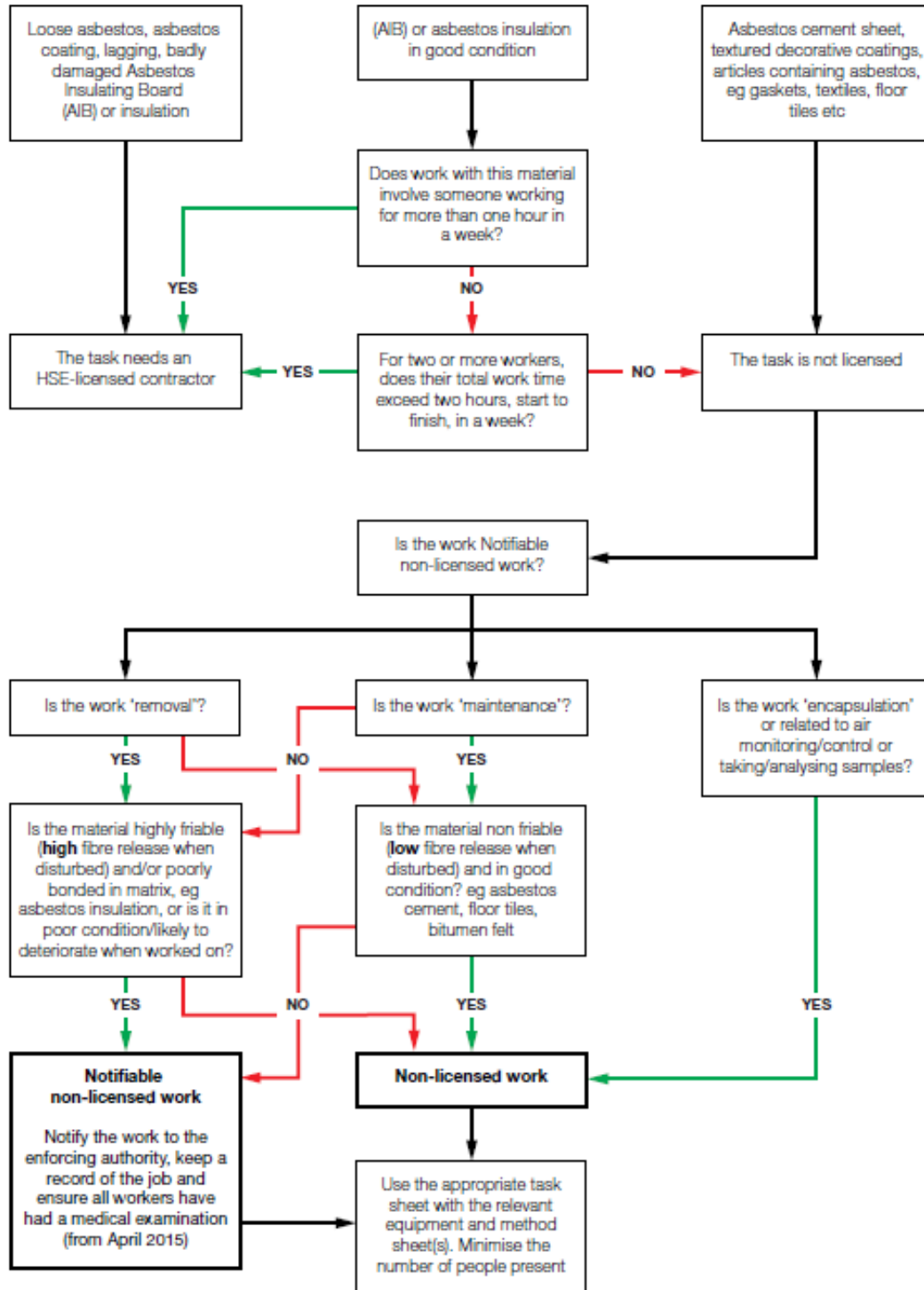
- 8.2 Or with the following notice if the sign is situated at the entrance to an area in which asbestos containing material is located



WARNING – AREA CONTAINS ASBESTOS CONTAINING MATERIALS; SEE ASBESTOS REGISTER FOR FURTHER DETAILS

Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:



9. INSPECTION OF ASBESTOS CONTAINING MATERIALS

- 9.1 Each 'Duty Holder' is to ensure that their 'Appointed Person/s' has an appropriate monitoring system in place to ensure all known asbestos containing materials are identified in the relevant Asbestos Register and the material is inspected on a regular basis for signs of damage and wear etc. The frequency of inspection will be dependent on the level of risk as indicated by the asbestos survey and risk assessment
- 9.2 The 'Appointed Person' must ensure the findings of the inspections are recorded in the asbestos register

10. WORK INVOLVING ASBESTOS CONTAINING MATERIAL

- 10.1 The 'Duty Holder', 'Appointed Person' or any person nominated to issue contracts for work must ensure reference is made to the relevant Asbestos Register prior to any works to establish whether asbestos is known to be present in the premise. Where asbestos containing material is present and liable to be affected by work or disturbed in any way, advice must be taken from the 'Duty Holder' or 'Appointed Person' before any work is carried out. The 'Duty Holder'; 'Appointed Person' will confirm advice in writing to the person concerned with a copy entered into the asbestos register.
- 10.2 The 'Duty Holder' and 'Appointed Person' must ensure all work on asbestos insulation, coatings and insulation boards is carried out in strict accordance with the Control of Asbestos Regulations 2012 and associated approved codes of practice and guidance.
- 10.3 From 6 April 2012, some non-licensed work needs to be notified to the relevant enforcing authority.
- 10.4 From 6 April 2012, brief written records should be kept of non-licensed work, which has to be notified e.g. copy of the notification with a list of workers on the job, plus the level of likely exposure of those workers to asbestos. This does not require air monitoring on every job, if an estimate of degree of exposure can be made based on experience of similar past tasks or published guidance.
- 10.5 By April 2015, all workers/self employed doing notifiable non-licensed work with asbestos must be under health surveillance by a Doctor. Workers who are already under health surveillance for licensed work need not have another medical examination for non-licensed work. BUT medicals for notifiable non-licensed work are not acceptable for those doing licensed work.
- 10.6 Work on or involving other types of materials not containing asbestos may not be subject to licensing requirements or the use of an HSE approved asbestos contractor. In such instances, this work must be subject to an initial assessment of risk by the 'Duty Holder', 'Appointed Person'. Detailed information about the materials and their location will be provided to contractors being considered for the work to enable them to undertake their own specific risk assessment and production of a method statement as evidence that they are competent and able to undertake the work in a controlled and safe manner.
- 10.7 Both the licensed asbestos contractor (for licensed work) and other contractors (for non-licensed work) must produce a plan of work and method statement, and submit these to the 'Duty Holder' or 'Appointed Person' for approval before being permitted to carry out the work.

- 10.8 In addition, the licensed contractor must give statutory notice to the appropriate Enforcement Agency (HSE) prior to the work being carried out. A copy of the notification is to be given or sent to the relevant 'Duty Holder' or 'Appointed Person' by e-mail, fax or post and a copy or details entered into the Asbestos Register
- 10.9 The relevant 'Duty Holder' or 'Appointed Person' must ensure that the contractor's method statement is checked in good time to allow the work to be carried out. If the method statement is not acceptable, the contractor must be informed and given required to remedy any deficiencies. The contractor is to be informed in writing that work is not permitted until such time as the method statement is accepted. If the method statement is acceptable to the 'Duty Holder' or 'Appointed Person', the contractor will be informed in writing and work will be carried out.
- 10.10 The 'Duty Holder' and 'Appointed Person' must take all reasonably practicable measures to ensure that all work is carried out in accordance with the procedures described in the method statement.
- 10.11 Where work is carried out by licensed asbestos contractors, the 'Duty Holder' or 'Appointed Person' must ensure that the contractor has included arrangements to have independent air monitoring carried out to verify air clearance once the works have been completed.
- 10.12 Records of asbestos removal work and airborne fibre monitoring results will be documented within the relevant Asbestos Register and any Health and Safety File maintained for the property under the CDM Regulatory requirements or other property file. When asbestos containing materials are removed from the property the asbestos register is to be updated.

11. ACTION TO BE TAKEN IF ASBESTOS CONTAINING MATERIAL IS FOUND.

- 11.1 When asbestos-containing material is found during the course of any work, (other than work being carried out by a licensed asbestos contractor in a sealed enclosure), the work is to be immediately stopped, the work area sealed off to prevent further damage or possible fibre release, and the 'Duty Holder' or 'Appointed Person' informed. The person discovering asbestos containing material must seek advice from either the 'Duty Holder'; 'The Appointed Person' regarding the action to take.
- 11.2 **WORK IS NOT TO RESUME UNTIL ADVICE HAS BEEN OBTAINED AND THE RISKS ASSESSED TO THE EXTENT THAT EITHER CONTROL MEASURES NEED TO BE ESTABLISHED BEFORE WORK CAN CONTINUE OR THE RISKS DO NOT POSE A SIGNIFICANT HEALTH HAZARD AND IT IS SAFE TO CONTINUE WORK.**
- 11.3 A written record of the event must be made and kept in the Asbestos Register and where any asbestos material released an accident report completed and passed to Health and Safety Advisor for a Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) report to be made to the HSE.

12. ACTION TO BE TAKEN IF ASBESTOS CONTAINING MATERIAL IS DAMAGED.

- 12.1 When asbestos-containing material is damaged, the work must stop, the area sealed off and the 'Duty Holder' or 'Appointed Person' informed.
- 12.2 A risk assessment must be carried out. If there is a serious risk of fibre release, the 'Duty Holder' or 'Appointed Person' must arrange for remedial work to be undertaken as soon as possible to minimise the risk of fibre release. If remedial work cannot be taken immediately, persons will be excluded from the area, which must be sealed off. The 'Duty Holder' or 'Appointed Person' will, as a matter of urgency, arrange for airborne fibre monitoring to be carried out to ascertain the airborne fibre levels. A copy will be kept in the Asbestos Register.
- 12.3 **WORK WILL NOT RESUME UNTIL ADVICE HAS BEEN OBTAINED AND AIR MONITORING HAS BEEN CARRIED OUT.**

13. ASBESTOS WASTE

- 13.1 Waste contaminated by or containing asbestos material **MUST** be properly bagged, labelled and disposed of by licensed contractors at a licensed disposal site as consigned special waste.

14. INFORMATION TO HOUSING TENANTS AND CONTRACTORS CARRYING OUT WORK IN HOUSING PROPERTIES

- 14.1 The Council has a duty to inform occupiers and others about any asbestos containing materials within a premise. Where low risk Asbestos containing materials in good condition have been identified within Council owned dwellings, the current tenant will be informed of its location and what precautions must be taken when decorating. Standard housing letters must be used for the communication of location and advice. Identification labels should not be placed in prominent locations.
- 14.2 The Council has a duty to inform contractors about any hazards to health. The 'Duty Holder' or 'Appointed Person' must ensure all housing maintenance contractors are informed of premises containing asbestos materials at least annually, or following any significant changes to the asbestos register and other contractors prior to visiting a property. Copies of relevant information from the register will be provided to contractors whenever planned or programmed work is scheduled to take place.

15. AUDIT AND REVIEW

- 15.1 The asbestos policy and management system is to be audited and reviewed every 2 years (or as necessary due to legislative changes) by the Health and Safety Advisor in consultation with all 'Duty Holders' to ensure its effectiveness. Amendments are subject to approval by the Safety Committee.
- 15.2 The asbestos registers are to be formally reviewed annually and updated on a continual basis by the relevant 'Duty Holder' and 'Appointed Person' as and when information relating to work involving asbestos.

16 RECORDS

- 16.1 The 'Duty Holder' shall ensure the following records are held for all properties:
- A record of all asbestos surveys affecting the building
 - Copies of all written advice given in response to enquiries
 - Copies of all advice received from the asbestos consultants
 - Details of all work on asbestos containing materials carried out
 - Copies of all incident reports

- Amendments to the asbestos register
- Details of inspections of asbestos containing materials
- All method statements for work on asbestos containing materials
- All risk assessments for work on asbestos containing materials
- All notifications to the enforcement agency
- All air monitoring reports
- All special waste disposal certificates
- All audit records

FURTHER INFORMATION

The Health & Safety Executive produce a number of publications containing various information on asbestos, see the HSE Website: www.hse.gov.uk/asbestos/index.htm