

Chesterfield Borough Council Asbestos Compliance Recommendations Action Plan:

Version: **ISSUE 07**

Date: **Dec-2017**

Appendix 2



CORPORATE

REF/RAG	Title:	Activity / Task:	Notes:	Legal Requirement:	H/M/L	Target Date	Responsibility	Progress
1A	Asbestos Compliance Audit	Commission a CBC strategic asbestos compliance review and recommendations.	Commissioned an asbestos specific compliance review and compiled a related 'asbestos compliance recommendations action plan' via Savills (autumn 2014/ spring 2015), final report submitted May 2015. Findings presented to Cabinet with Action Plans November 2015	No	N/A	May, 15	Savills	Complete
1B	Action Plan	Implement an Action Plan and monitor/report progress	Governed by Asbestos Management Steering Group - AMMSG, reporting to H&S Committee and Risk Management Group. Draft Action Plan in place, AMMSG established as agreed at H&S Committee and Cabinet.	No	H		AMMSG, Delegated Officers & Savills	Ongoing
2	Non-Domestic Surveys	Comprehensively check that all relevant areas are discretely identified, surveyed (if appropriate) + re-surveyed within initial 12 month cycle. Review ACM RAs + 'no access' areas + implement recommendations. Include garage blocks. Note: all Corporate stock (i.e. non-housing revenue account) is regarded as non-domestic, being either 'communal' areas or 'commercial'/ business lettings.	Corporate list of premises finalised in 2016 including all non-HRA lettings to allow a prioritised survey schedule to be developed. Initial pilot surveys undertaken to ensure data import via the Keystone system provides quality assured data - a number of pilot studies completed in 2016 and further development required to allow confidence in data quality. Main survey now underway prioritised on high usage public buildings first, commercial lets with maintenance responsibility and finally all lettings with no maintenance responsibility. The corporately occupied premises are completed and there is significant progress on the commercially let premises. The import to Keystone is working well and we are uploading surveys as they are received from EE. We have contracted specialist support from EE to analyse the reports and support with the preparation of a prioritised intervention programme. The EE support will also review the findings and alignment of new RA based cycle thereafter. The revised survey outcomes, weighted risk assessment approach, remediation programme and inspection approach will be addressed within new compliance documentation (AMP).	Yes [CAR Reg 4]	H	Nov '17	CBC + Savills	At time of update there are 31 surveys still to be done. These are mainly industrial and commercial units and it is often difficult to arrange access. As re-survey programme progresses a new property list is being prepared detailing the type of lease on the premises, whether asbestos is present on site, what abatement work is required, frequency of ACM re-inspections, etc.
3	Retained Specialist Surveying Services	Consider commissioning specialist surveys/ analytical services via a single retained survey company relationship to provide all retained specialist services for improved compliance consistency + VFM.	Surveys currently procured for extended term/ VFM/ consistency. Robust format/ template review and re-alignment of current surveys to CBC compliance regime and enhanced KAR format to be incorporated within survey programme. This a 'pragmatic' recommendation to extend existing survey contract with Environmental Essentials (who are procured via Savills on a framework) to include all survey and analytical services and in future consideration given to extending into re-inspections/ training/ 24 hour cover/ retained advice for consistency, electronic data submission and compliance consistency. Environmental essentials also being retained for analytical and inspection work related to remediation projects and have been retained to support the analysis of the inspection reports to develop a prioritised intervention programme.	No	H	Jun. '16	CBC + Savills input (+ professional services procurement hub)	EE Consulted appointed to work for 30 days uploading survey reports onto Keystone database, carrying out quality checks, prioritising abatement work and preparing programme of work and preparing specification documents. At time of update, 137 surveys had been uploaded onto Keystone with 140 still to be uploaded.
4	Asbestos Data Availability / Management Reporting	Provision of enhanced asbestos related information to tenants/ building occupants (including lessees for non-domestic/ commercial premises/ areas). Consider enhanced general guidance and a wider 'strategy' document. This to demonstrate 'good practice' by informing those who may otherwise accidentally disturb ACMs by virtue of building occupation/ commercial tenancy.	Switched from Frontline register as not determined fit for purpose going forward. Keystone offers better remote and contractor access along with ability for rapid import and integration with the EE survey data. Register system (KAR) used by Housing now under license with Keystone for Corporate surveys use. There has been significant work to format the system for corporate use for complex and lengthy survey reports for large complex buildings and necessary changes to Housing configuration to ensure that data import for both service uses are acceptable. The practical implementation and optimisation of the data systems has been reviewed to provide for alignment of KAR to CBC protocols, revised RAs (MRA + PRA), full register access (24/7) to all that need to see it (staff + contractors), clear management reporting ('no access', ACMs requiring work, re-inspection cycles, etc), ACM removal data capture + entry (register updates and certification), data reference auditing (i.e. have contractors consulted the information appropriately). There is the need to finalise the development of the kiosk operation to provide for contractor access to the management and RAD surveys. The review of the AMP will include a requirement that documented confirmation is obtained to demonstrate that sufficient R&D surveys have been commissioned for any phase of intrusive work. This action is at an 'Amber' stage around the fact that initial configuration is complete, the system can take electronic data import and a consolidated premises list has been imported. The system has been configured to provide summary premises specific asbestos registers and these have been printed in hard copy currently whilst awaiting the kiosk for remote access. There is final configuration work required to upgrade the survey details re-reporting the summary register following remediation works.	Yes [CAR Reg 4]	H	Nov'17	CBC + Savills input	Keystone workbench up and running and tested. Keystone Kiosk said to be up and running at time of update but it has not yet been tested.
5	Review outcomes of surveys with a view to on-going assurance.	Collate and complete data entry of all existing survey and post removal data. Review existing survey data/ recommendations and action. Ensure document trail for assurance upon completion. Legal context: to undertake ACM risk assessments and act upon them. Organisational context: to demonstrate good governance by identifying actions and recording their completion.	Initial review of data integrity and audit of pilots and initial phase surveys completed. During the data import the results will need to be routinely reviewed and audited for interpretation regarding compliance themes, trends and 'gap analysis'. We have contracted EE to provide specialist support to carry out quality analysis of the surveys and interpret the outcomes to produce a prioritised full intervention programme for all corporate buildings. In addition the management responsibilities and approach will inform the new AMP. Similar auditing to ensure post removal data capture recommended as part of routine register/ data management protocols.	Yes [CAR Reg 4]	H	Dec. '17	CBC, EE + Savills input	Quality checks being undertaken on completed data uploads to ensure integrity of database. Once abatement plan is produced it will need financial assessment.

6	Communication Strategy	Provision of enhanced asbestos related information to tenants/ building occupants (including lessees for non-domestic/ commercial premises/ areas). Consider enhanced general guidance and a wider 'strategy' document. This to demonstrate 'good practice' by informing those who may otherwise accidentally disturb ACMs by virtue of building occupation/ commercial tenancy.	CBC has in place a number of methods, typical of many Local Authorities, with which to communicate with building users regarding asbestos largely focused around the register, survey reports and operational systems for anybody accessing and working within the building. There are also specific functions for the premises manager to discharge. CBC is however committed to enhance this process and as a component of this review, recommendations to enhance this communication regime have been considered and will now be developed / implemented. Draft being considered by ASMG, once approved draft to be passed to John Fern (CBC Communications & Marketing Manager) to be developed. Corporate Strategy to be common across Council however separate streams of communication documents and systems to be developed for Corporate stock use.	No	M	Dec'17	CBC + Savills input	Several drafts have been produced and work is continuing with an aim to complete by end of January 2018
7	Updated Compliance Documentation / Procedures	Review and update the CBC suite of asbestos compliance documentation. Reflect within aligned practical procedures (and guidance for staff/ those commissioning work).	CBC commissioned this independent review in part as it was understood that the documentation and processes associated needed update to reflect changes in both guidance and operational processes. Updates to some CBC documentation where therefore delayed pending independent review which we agree represents a reasonable response. Savills are supporting the production of revised/ updated/ expanded CBC Asbestos Policy, AMP, and Procedure documentation. Drafts of the policy and an early AMP draft has been produced. There will need to be an interface with the work currently underway to review the contractor management processes. Align to an updated compliance regime, with integrated protocols and guidance. Aspects to be incorporated include: roles and responsibilities, asbestos information/ data access/ communication, defined MRA+PRA Man Actions, monitoring/ review criteria, training matrix, QC and audit. Terms of Kier/Arvato ACM compliance responsibility need express clarification + monitoring. This activity continues to be part of the operational implementation.	Yes [CAR Reg 4]	L	Dec-17	CBC + Savills input	Several drafts have been produced and work is continuing with an aim to complete by end of January 2018.
8	Compliance Auditing Regime	Enhance and incorporate additional specific (demonstrable) auditing protocols as an extension of the wider updated asbestos compliance regime/ procedure suite. This item allied to 7 (above), but separated as a reflection of the importance assigned by CBC to provide assurance and demonstrate good governance.	Demonstrable, on-going auditing of duty holder compliance regimes is considered important by CBC and consideration of these aspects therefore deliberately incorporated within this review and recommendation. The need to undertake auditing in respect of this compliance area and the recommendation to further develop express processes within the wider asbestos regime agreed with CBC. Recommended auditing related aspects to be considered include the following: Enhanced register system (KAR) management reporting capability/ formatting, audited use of register data (by contractors/ staff/ OSD), QC of surveys, proportion of R&D surveys, QC of removal work (including air testing and RAMS evaluation), partner contractor compliance/ operative training, annual compliance review (criteria HSE driven + appended to AMP), re-inspection surveys and training cycles. The Council cannot put in place an enhanced audit regime until the new Asbestos Management Plan is in place and resourced. There has been a significant amount of work done over the last 12 months focussed on close inspection and control of a number of asbestos removal projects including a large programme in the Town Hall. This will inform the future compliance assessment and contractor assessment.	No	M	Dec-17	CBC + Savills input	Staff are qualified. ASMG implemented Report due to Cabinet Nov/Dec 2017 for approval. In the meantime continual auditing on quality of data by EE is being carried out. When database is complete, system use by CBC staff and contractors to be audited.
9	Compliance Management Structure	Review of the management structure to ensure sufficient staff resourcing (asbestos related) and a fully integrated strategic compliance function/ enhanced link to the CBC Health & Safety Team. This task recommended in order to demonstrate good governance and provide assurance by providing appropriate resources for active risk management.	It is recommended that CBC consider an emphasis toward enhanced strategic level compliance monitoring and reflect within the new management structure contemplated. Differing areas of strength between the Housing and Corporate compliance regimes can be combined for an optimum H&S management approach overall. Detailed recommendations agreed with CBC to include: Focus upon survey report interpretation and trend analysis with appropriate data admin support recommended. Improved lines of communication and routine compliance status reporting. Include Group 'near miss'/ RIDDOR register and CBC response/ monitoring protocols. There are proposals to redesign the health and safety service to include additional resource and extensive asbestos knowledge and experience will be a key aspect of this role. In the meantime CBC have contracted EE to provide specialist technical support to assist in review of surveys, development on intervention and inspection plans, producing specifications for work and developing a framework contractor for remediation works.	No	M	Dec-17	CBC + Savills input	ASMG implemented System in place - continually being reviewed. New management structure CMT includes two weekly review of all incidents, accidents and near misses and reported to H&S committee.
10	Training	Review the training need and suitability to provide assurance.	Appropriate training of staff (and in-house service providers [OSD + Spire Pride] operatives/ contractors) and appropriate repeat cycle a clear legal and guidance requirement. General 'Annual Asbestos Awareness' training is provided via e-learning (Frontline portal) for all staff. Certified repeat cycles need careful review/ monitoring. Enhanced training now recommended for staff/ roles with specific asbestos responsibility as a component of an enhanced aspirational CBC regime. An updated CBC Training Needs Assessment (TNA) recommended to help define a 'mandatory' training matrix and monitor / document on-going delivery. Regard 'e-learning' option as refresher (not primary) training resource. Classroom based training (with qualified trainer) for key Officers who need extra awareness to carry out daily duties. Include register system (KAR) training when its use is to be extended. Reflect within the RMSGAM (or equivalent) terms of reference to ensure training delivery is monitored/ audited. Ongoing training and re-training to ensure awareness is constant high standard.	Yes [CAR Reg 10]	H	Feb. 16	CBC + Savills input	All technical staff have completed Asbestos Awareness training in 2017. Refresher training being organised for early 2018. Online asbestos awareness training now available but it is not UKATA accredited.

11	Contractor Vetting	Consider establishing an enhanced asbestos compliance related contractor vetting procedure. Repeat annually using a standardised, documented approach/ log.	Current contractor compliance vetting variable and in-house guidance as to what to require will benefit from review/ enhancement. Compliance risk should be demonstrably enhanced by 'best practice' duty holder contractor (+ sub-contractor/ specialists/ M&E etc) asbestos compliance vetting process. Document responses including evidence of operative training in compliance with HSE guidance. Include enhanced processes where non-licensed work undertaken directly by contractors/ OSD. Suspend where responses inadequate. Undertake sample auditing as part of related CBC procedure. Terms of Kier facilities management function/Arvato ACM compliance responsibility needs express clarification/ monitoring. There has been a significant amount of work done over the last 12 months focussed on close inspection and control of a number of asbestos removal projects including a large programme in the Town Hall. This will inform the future compliance assessment and contractor assessment.	No	M	Dec-17	CBC + Savills input	Interim vetting system in place based on general contractor competency assessments. Framework agreement to be considered for abatement work.
12	Removal Contractor	Consider procuring retained asbestos removal services (licensed and un-licensed) from a single provider. Legal context: the requirement to employ specialist contractors 'licensed' by the HSE for particular types of work. The aspirational context is toward an enhanced role provided by a single contractor for improved consistency, VFM and data administration/ management.	There has been a significant amount of work done over the last 12 months focussed on close inspection and control of a number of asbestos removal projects including a large programme in the Town Hall. This has resulted in much closer management of the contractors and highlighted aspects of the works that need more careful assessment and control. Keystone will be updated to record updated management conditions following remediation works. EE have been contracted to support CBC to procure framework contractors and this will be carried out as a joint exercise with housing. In the interim all contracts have been subject to detailed review of RAMS by the H&W manager and H&S Integration of data management with retained survey provider is in hand.	No	M	Jan-18	CBC + Savills input	New detailed systems for asbestos removal monitoring. Aim to implement during 2017. To be considered corporately and will need to go via NHS procurement.
13	Clarify Non Standard/ Leased Tenure Obligations	Ensure leases and management agreements are clearly understood regarding the liabilities arising around asbestos management. Determine CBC asbestos management response as may be dependent upon specific lease arrangements.	In order to mitigate litigation and/or reputational risk, the Council ought to ensure that it understands the effect of current leases around asbestos compliance obligations and managing current and future leases and the corresponding legal documentation. Shop units (often with flat above), generally surveyed at void and not re-inspected (by CBC). Unclear how many surveyed overall; clarification and survey of remaining units recommended. Only structural alterations require CBC notification/ permission so smaller re-fits are not notified (and may disturb ACMs). Shops/ other commercial premises deemed lessees responsibility are not re-inspected: check legal mandate and re-iterate obligations in writing. CBC to consider the appropriateness of ACM re-inspection surveys in commercially sub-let properties or the non-domestic accommodation allied to these. CBC is to consider and decide whether to limit its obligations simply to those legally mandated, or to go beyond. A decision has been made to resurvey all of the commercially let properties. As part of this work analysis of the current lease requirements has revealed that there are two primary approaches - the tenant responsible for all internal maintenance or both internal and external. When the surveys are complete CBC will write to the tenant with a copy of the survey pointing out their obligations to manage and respect. If there are any conditions that pose a significant risk CBC will request an urgent action plan from the tenant.	N/A	M	Dec-17	CBC	Decision to survey all stock irrespective of tenancy agreement. On completion of surveys reports will be shared with tenants. Review with Kier of roles and responsibilities and content of agreements.

RAG Status:

	Green = Activity / Task Complete
	Amber = Activity /Task Commenced
	Red = Activity /Task Not Commenced

Key to Terms:

ACM = Asbestos Containing Material
AMP = Asbestos Management Plan (and related protocols/ policy)
CAR = Control of Asbestos Regulation 2012
Frontline = Asbestos Register system (CBC Corporate Services) via Frontline Data Ltd
H&S = Health and Safety
HSE = Health and Safety Executive
KAR = Keystone Asbestos Register system (CBC Housing Services)
MAN = Management Actions
MRA = Material Risk Assessment (HSE methodology HSG264)
Northgate = Housing Management Information System (incl. repairs ordering)
Non-Domestic = Commercial areas, or corridors/ landings/ stairwells/ etc associated with residential blocks (often referred to as 'Communal' areas)
OSD = CBC 'in-house' service provider (direct/partner service organisation)
PRA = Priority Risk Assessment (HSE methodology HSG264/227)
RA = Risk Assessments (MRA + PRA)
R&D = Refurbishment and Demolition (pre-works) surveys
RIDDOR = Reporting Injuries Diseases and Dangerous Occurrences Regulations (1995)
RMSGAM = Risk Management Sub Group - Asbestos Management
TNA = Training Needs Assessment (HSE ACoP L143 methodology)
TOR = Terms of Reference
VFM = Value for money
CBC = Chesterfield Borough Council
UDC = User Defined Content (in this context an asbestos related pop up warning)