

Chesterfield Borough Council Asbestos Compliance Recommendations Action Plan:

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Appendix 3



HOUSING

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 by Housing in November 2015, final report submitted May 2015. Findings presented to Cabinet with Action Plans October 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 - AMSG, reporting to H&S Committee and Risk Management Group. Draft Action Plan in place, AMSG established as agreed at H&S Committee and Cabinet.	No	High		AMSG, Delegated Officers & Savills	Ongoing
2A	Non-Domestic Area Surveys	Comprehensively check that all housing related non-domestic 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.	Highest HSE/ CAR legislative mandate. Non-Domestic areas surveyed 2010 and 2013 i.e. beyond 12 month cycle (applicable up to December 2013). Re-inspection carried out early 2016, review of findings and alignment of new RA based cycle thereafter. Reflect approach/findings within new compliance documentation (AMP). Ensure data entry/ management within KAR electronically. Ratification of non-domestic stock definition advised + UPRN alignment. Non-Domestic survey re-inspections completed 2016.	Yes [CAR Reg 4]		May '16	CBC + Savills	Completed
2B			Include garage blocks specifically (and treat external envelope of garage blocks as non-domestic areas), together with boiler rooms and consider any additional non-domestic areas identified. This completed by May 2016.	Yes [CAR Reg 4]		May '16	CBC + Savills input	Completed
3A	Prioritised Domestic Area Surveys	Robust Survey Strategy required (desk top review/ prioritisation protocol as per guidance HSG227).	Approx 23% survey of domestic housing stock currently achieved. Following desk top risk review/ prioritisation for next phase, CBC have a plan to undertake a further 20% to 25% survey in 2015. Although not a legal requirement, as part of a proactive risk management approach, CBC aspire to reaching 100% of properties surveyed over time. This provides a reasonable/ prudent approach. We also recommend CBC consider their non-standard conventional stock in this prioritised survey process (example: South Yorkshire Housing stock and non-traditional construction properties). This approach will be reflected in an updated AMP. Completed in 2016	No		May '16	CBC + Savills input	Completed
3B	Retained Specialist Surveying Services	Consider extending retained survey services procurement 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 to be incorporated within 2015 survey programme. Future R&D survey brief to include whole house Management Survey while on site. This a 'pragmatic' recommendation to extend existing survey contract to include all survey and analytical services, including re-inspections/ training/ 24 hour cover/ retained advice for consistency, electronic data submission and compliance consistency (partnership approach). Agreements now in place - Management Surveys (Savills - exp. 31st March 2017); R&D Surveys and analytical feedback (Armstrong York - exp. 31st March 2019).	No		Jun. '16	CBC + Savills input (+ professional services procurement hub)	Completed with process ongoing
4	ACM Re-Inspection Regime	Consider deriving a robust (specific) risk assessment based re-inspection regime for domestic areas.	CBC intend to build upon their new 100% domestic survey program by bringing into place a proportionate evidence based ACM re-inspection regime. Savills will work with CBC with regard to corresponding narrative paperwork and phasing. CBC intend to initiate this aspirational regime when nearing 100% survey, unless individual ACM risk assessments warrant otherwise. No proactive domestic re-inspections have been undertaken by CBC previously . The new approach is to be robust, will align with the non-domestic re-inspection protocol and incorporate checks to labelling (where appropriate) as well as comprehensive review of the results, trend analysis and reflection within a 'live' RA protocol. While this recommendation is a 'red' status, this is necessarily the case until the Action Plan has gone to Cabinet for ratification and approval. If approved, the status will then change to Amber as operational consideration and where appropriate implementation commences. Reviews ongoing. Primary comments in surveys discussed and agreed in princpal. Communal areas being re-surveyed on an annual basis, domestic - on a priority basis. All management surveys going forwards to managed on Risk Basis, rather on a programmed cyclical basis, as at present	No		Nov. '16	CBC + Savills input	Completed with process ongoing
5	Asbestos Data Availability / Management Reporting	Review existing Keystone Asbestos Register system and ensure 'fit for purpose'. These processes have legal relevance in the sense that the 'duty holder' (CBC) have the requirement to provide relevant information regarding ACMs to those that need to see it.	Existing register system (KAR) under license with Keystone part implemented/ populated with relevant data and currently no active link to Northgate. Regarding practical implementation and optimisation of the data systems, we recommend that aspects to be reviewed/ enhanced should now specifically include: alignment of KAR to CBC protocols/ RAs (MRA + PRA), enhanced stock list attributes (tenures/config/build dates/etc), all data entered electronically, 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). Documented confirmation recommended to demonstrate that sufficient R&D surveys have been commissioned for any phase of intrusive work. Link to Northgate for headline ACM 'flag/ warning'. Integrate with 'out of hours' service and emergency services (Fire Authority register access). No survey / removal information received post void or disabled adaptation work: process mapping recommended to ensure a robust approach (this started for disabled adapts where reference to the register not previously evidenced). Facilitate 'UDC' flag link to Northgate. 'Arvato' security access protocols may present web data access issues to resolve. Seek assurance within the data systems that historic data is retained and available to CBC when required. This action is at an 'Amber' stage around the fact that review has been commenced, some conclusions drawn, and consequential actions initiated to address aspects raised. Contract set-up with Armstrong York in June 2016 to carry out all R&D Surveys (Housing) for Planned Works to be available electronically via web portal (TEAMS system) to all contractors (incl. internal OSD), data also to be imported to existing Keystone database to ensure continued access to data. From Jan 2017 OSD (Housing budgets) added to contract to ensure R&D surveys carried out on same basis for repairs & voids works	Yes [CAR Reg 4]	L	Mar. '17	CBC + Savills input	Keystone set-up review COMPLETED. Security / Kiosk issues resolved, however, currently utilising TEAMS web portal, via Armstrong York. Good evidence that this is working well both internally & externally (contractors). Note: Trial of Kiosk currently being carried out by OSD, supported by Corporate & Kier.

6	Review outcomes of surveys with a view to on-going assurance.	Collate + 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. Context: to demonstrate good governance by identifying actions and recording their completion.	Outcomes arising from surveys and ACM re-inspections ought to be routinely reviewed and audited for interpretation regarding compliance themes, trends and 'gap analysis'. This to help identify pro-active management actions arising and steps needed in consequence. Specific areas to consider will include: 'No access areas' / ACM risk assessment based recommendations upon survey reports/ re-inspections / robust demonstrable review/ recommendation actioning. Similar auditing to ensure post removal data capture recommended as part of routine register/ data management protocols. Although necessarily at 'Red' status currently, it is the view of Savills that once the Action Plan is approved by Cabinet, this can be a swift task and may be commenced rapidly to change the status to 'Amber' overall. Classed as 'green' as 'work-around' TEAMS system ensuring task fulfilled.	Yes [CAR Reg 4]	L	Jul. '16	CBC + Savills input	Completed with process ongoing. Full Review annually after Management Surveys completed
7	Communication Strategy	Provision of enhanced asbestos related information to tenants/ building occupants, as well as general guidance and a wider 'strategy' document. This is to demonstrate 'good practice' by generally informing residents about asbestos risk(s). To include residents & others who may accidentally disturb ACMs by virtue of building occupation.	CBC has in place a number of methods, typical of many Local Authorities, with which to communicate with residents regarding asbestos. 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 agreed by ASMG, and passed to John Fern (CBC Communications & Marketing Manager) to be developed. Corporate Strategy to be common across Council, however, separate streams of actual communication documents to be developed for Housing (as opposed to Corporate) because of different building use, including occupation and legislation. CBC Housing has NO high risk asbestos (based on survey) management survey data, therefore can managed on risk basis.	No	M	Mar. '17 Revised to Sept. 17	CBC + Savills input	Housing tenants leaflet now published (hard copy & electronically). Individual reports to tenants - format still to be finalised.
8	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. Revised/ updated/ expanded CBC Asbestos Policy, AMP, and Procedure documentation is now recommended/ required. 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. It is also recommended the RMSGAM terms of reference (which cover Housing and Corporate Services) are reviewed/ updated and meetings reinstituted to help monitor implementation of the Action Plan. Terms of Kier/Arvato ACM compliance responsibility need express clarification + monitoring. Review now commenced and Savills assisting. Following approval of the Action Plan, this activity continues to be part of the operational implementation.	Yes [CAR Reg 4]	L	Sep. '16	CBC + Savills input	All technical staff have completed Asbestos Awareness training (2016), refresher training also carried out in March 2017 (via Armstrong York - to link into their data). All relevant staff / projects now complying with CDM Legislation.
9	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 8 (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 (including OSD + Spire Pride + sub-contractors), annual compliance review (criteria HSE driven + appended to AMP), re-inspection surveys and training cycles. New CDM oriented staff appointment already understood to include in-house auditing role. This is necessarily at 'red' status at this stage as the tasks relating to this recommendation cannot proceed until the Action Plan is approved and the operational implementation commenced.	No		Jun. '16	CBC + Savills input	PB completed P405 Course in December 2015. AMSG now implemented. Report due to Cabinet during early 2018 for approval. Continual auditing on quality of data, being carried out and also to ensure proper use of system by staff & contractors.
10	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. Consider an overall 'Compliance Manager' role (Corporate + Housing) and delegated asbestos steering group (RMSGAM or similar). Include Group 'near miss'/ RIDDOR register and CBC response/ monitoring protocols. Consider a further emphasis toward 'informed client' role with retained (partner) specialist service providers. The in-house CDM compliance appointment a positive development in the light of CDM 2015 regulation changes.	No	M	Jun. '16 / Mar. '17	CBC + Savills input	AMSG implemented System in place - continually being reviewed.

11	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. Note: CBCs thinking regarding the potential appointment of an overall 'compliance manager' role is thought will help support this task and delivery. 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 (2016), refresher training also carried out in March 2017 (Armstrong York - to link into their data). All relevant staff / projects now complying with CDM Legislation. On line refresher training to be carried out by all staff early 2018. New starters to have classroom based training early 2018 (circa 4 persons).
12	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. This is an operational recommendation and necessarily at 'red' status since it is dependent upon approval of the Action Plan by Cabinet to progress. Approval will allow collation of the operational plan and swift implementation.	No		Dec. '16	CBC + Savills input	Interim vetting system in place contractor / operative -- compliance / awareness (carried by Construction Safety Coordinator, Contract Supervisors, and QS). Continual auditing on quality of data being carried out.
13	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.	Varying removal companies used (quotation for individual jobs) currently. Although work volumes low, a single retained provider may offer better VFM (schedule of rates) / streamlined data capture / alignment to CBC compliance protocols / 24 hour cover etc. More stringent regulation to follow (updated HSG248) which can be anticipated as part of specification. Better align processes with retained survey provider (see above) re site analytical audits/ air testing regime etc. Some non-licensed work undertaken by OSD; data capture/ register update processes will benefit from review and enhancement. This recommendation is necessarily at 'red' status at this stage, pending approval of the Action Plan by Cabinet and formulation of the operational plan and implementation. To be jointly considered by Housing & Corporate.	No		Oct. '16	CBC + Savills input	Joint Procurement - to be combined contract with Corporate now confirmed. Housing to take lead.
14	Clarify Non Standard/ Leased Tenure Obligations	Ensure leases and management agreements are clearly understood regarding the liabilities arising around asbestos management.	This recommendation applies in only a small number of cases for Housing Services. 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 future leases and the corresponding legal documentation in order to reduce risk. The council need to be assured that the compliance position regarding shops and commercial premises (allied to the housing stock) is sufficiently clear. Ensure in the event of specific enquiries to the council, these are managed appropriately with reference to legal advice where appropriate as this is a complex area, particularly in respect of historic lease agreements. R&D Surveyshave been carried out for all Shops & Community Rooms (Housing stock), data expected imminently.	N/A		Dec. '16	CBC	Completed

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)