

For publication

Asbestos Policy and Asbestos Management Plan

Meeting:	Employment and General Committee
Date:	25 March 2024
Cabinet portfolio:	Governance
Directorate:	Digital, Human Resources and Customer Services
For publication	

1.0 Purpose of the report

1.1 This report sets out proposed changes to the Council's asbestos policy and the asbestos management plan (AMP).

2.0 Recommendations

2.1 The Council's Employment and General Committee is asked to consider and formally approve the revised asbestos policy and asbestos management plan (AMP).

3.0 Reason for recommendations

3.1 The policy document and AMP have been reviewed and updated to meet best practice. Approval of the documents and their subsequent roll out to staff members will enable the Council to meet its legal obligations and ensure employees have clear guidance to follow when dealing with asbestos containing materials.

4.0 Policy Background

4.1 The Council is responsible for ensuring statutory compliance, control and has a duty to manage any asbestos works and asbestos containing materials (ACM) within premises that it is responsible for. There are several aspects of Health and Safety (H&S) legislation that apply to this policy area. They include the Health and Safety at Work etc. Act 1974, the

Control of Asbestos Regulations 2012 (CAR), the Management of Health & Safety at Work Regulations 1999 and the Control of Substances Hazardous to Health Regulations 2002; amongst others.

- 4.2 The asbestos policy has only required general updates to bring the document up to date. The AMP document has by comparison been through a more extensive review and consultation process. These updates are summarised further within the main report. All changes were subject to workforce and trade union representative consultation.
- 4.3 Both the asbestos policy and AMP documents are now ready for the employment and general committees' formal consideration for approval.
- 4.4 **Asbestos Policy**
- 4.5 The asbestos policy outlines the Council's revised approach to controlling and managing work activities across both domestic and non-domestic stock in relation to asbestos. The asbestos policy is applicable to all Council employees, contractors and other persons whilst at work, specifically when undertaking asbestos related works, or work adjacent to asbestos containing materials (ACMs). In the main, this policy covers all premises of a construction date prior to the year 2000. A copy of the revised draft Asbestos Policy is attached at Appendix A to this report.
- 4.6 The asbestos policy sets out how the Council and Council officers will continue to manage all ACM and asbestos works in line with legal requirements and engage competent contractors where the expertise and competence is not available in-house.
- 4.7 The asbestos policy states the Council will, as the dutyholder, take reasonable steps to locate asbestos containing materials (ACMs) in Council premises that are likely to contain them, including where it is situated and what condition it is in. If in doubt, the dutyholders will presume materials contain asbestos unless there is compelling evidence that they do not contain asbestos.
- 4.8 The Council will continue to follow the asbestos Approved Code of Practice and industry guidance information published by the Health and Safety Executive (HSE). The revised policy documents have enhanced the alignment to these asbestos standards.

- 4.9 The Council will ensure that competent persons conduct all asbestos surveys. This will normally be in the form of either a management survey or refurbishment and demolition surveys. There are clear instructions outlined in the AMP which are aligned to the HSE guidance standards. The aim of any asbestos survey is to determine and record the location, condition and extent of any presumed ACMs.
- 4.10 Asbestos is risk assessed as part of an asbestos survey. Where the Council retains management responsibility, the Council will re-inspect, re-assess and record the condition of known ACMs at suitable intervals as defined in the AMP. These periodic re-inspection surveys are to monitor the condition of the ACMs previously identified (or presumed). This is to help ensure that the compliance regime is working appropriately and to identify trends. There may be individual cases where ACMs require additional measures to keep the associated risk within the Council's intended tolerance.
- 4.11 As a generic overarching principle, the Council will continue to apply the approach of not removing ACM material, unless it becomes a risk to remain in-situ. Removing ACMs can be more dangerous than leaving them in place. Where removal is the most appropriate option as advised by a competent person, the Council's continued approach will ensure only appropriately trained, equipped, experienced and licensed competent contractors undertake works in the properties for which we have responsibility.
- 4.12 The Council will ensure that where any ACM providing fire, sound or thermal insulation protection are removed by a competent person, the ACM products serving those functions are replaced with an alternative modern material that provides the same protection or properties.
- 4.13 The Council will repair or seal ACMs if they are damaged or deteriorating, but only if otherwise in sound condition and unlikely to be subject to further damage, or in a position where they will not otherwise cause a risk to health if left untreated.
- 4.14 The asbestos policy outlines a position approach of not labelling ACM in either domestic or communal areas of buildings. This removes anxiety that if they were relied upon in the form of an asbestos 'A' label, there is a risk that these may have been inadvertently removed or painted over. In all circumstances the asbestos register should be referred to and consulted.

- 4.15 The Council will follow recommendations contained in the survey report and will apply the instructions defined in the AMP and keep those records up to date. The Council will hold the results from the surveys within premise asbestos registers, which will be made accessible to employees, contractors and emergency services. This will contain information on the location and condition of all asbestos, or materials presumed to contain asbestos, along with the associated risk assessment and materials confirmed that do not contain asbestos.
- 4.16 The Council will provide employees with the appropriate level and frequency of training based on their roles and responsibilities as outlined in the training matrix within the AMP.
- 4.17 The asbestos policy will continue to apply to all Council properties (unless otherwise formally agreed with the freeholder/ business tenant/ lessee/ occupier) where responsibility is for the contract period transferred to that third party. For clarity the policy covers both domestic rented properties, communal areas (including those to leasehold property) and non-domestic properties (corporate and commercial). The policy will apply to anyone likely to be put at risk from asbestos work in these properties.
- 4.18 There is the expectation that where the Council undertakes a survey, that we inform lease holders and transfer responsibility for the duration of the lease holders contract period, unless the responsibility for asbestos management is to be retained by the Council and its officers to manage.
- 4.19 The Council has continued to work closely with external subject matter experts in the review of the asbestos and AMP review. The consultants have been key authors in regards the document's comprehensive review.

5.0 Asbestos Management Plan (AMP)

- 5.1 The AMP has been subject to comprehensive support from external subject matter experts (asbestos consultants) in assisting with the comprehensive review of the AMP documentation. The revised plan is attached at Appendix B to this report.
- 5.2 The AMP should always be read in conjunction with the Council's asbestos policy. The AMP provides practical interpretation as to how the Council, its dutyholders, responsible persons and others will be expected manage

asbestos within the properties for which the Council has management responsibility for. The AMP covers all roles and responsibilities.

5.3 This AMP applies two primary asbestos survey strategies. These are outlined below:

- Strategy 1: Surveyed Properties.
For premises that have had a complete/comprehensive 'Management Survey'. These surveys provide the most up to date information for the presence of ACMs identified within the Council's property portfolio.
- Strategy 2: Non-Surveyed Properties.
Applies to premises yet to be surveyed (or surveyed comprehensively). The Council will employ a 'presumption' of the presence of ACMs to these premises based upon their age, and results of surveys to similar age/ construction properties.

6.0 Health concerns relating to asbestos containing material (ACM)

6.1 All types of ACM can pose a potential risk to health. Disturbing asbestos can release very small fibrous particles which, when airborne, can be breathed in. The fibres are not necessarily visible to the naked eye. Due to their small fibrous nature, the body's respiratory defence mechanism does not filter out all the fibres. Fibres may enter the lower parts of the lung where they may persist for years. It is recognised the more fibres that are breathed in, the greater the risk to health. Breathing significant levels of fibres over a period of time can eventually lead to ill health conditions, such as asbestosis, mesothelioma, lung cancer and other respiratory diseases. Therefore, it is imperative that ACM is managed robustly.

7.0 Outline of key changes made to the Asbestos Management Plan (AMP)

7.1 The AMP has undergone a comprehensive review.

7.2 Below summarises the AMP changes:

- a) The AMP document has been reorganised and simplified
- b) The AMP now provides clearer overarching principles and addresses past confusion in regards roles and responsibilities.
- c) An updated approach outlined in the AMP is now for the first time mapped out to provide communication aids.

- Please refer to Appendix D – Asbestos process Maps
- d) The AMP has had operational specific terminology removed and these have been replaced with more generic terminology. This helps reduce the number of reviews required in future.
- e) The training matrix has been simplified to make it easier to understand and interpret moving forward. An additional industry training provider accreditation has been added.
- f) Overall, the AMP content has an improved alignment to Health and Safety Executive (HSE) approved code of practice.

8.0 Ongoing Monitoring and record keeping

8.1 The Council must have monitoring and consistent record keeping arrangements in place to check and review the asbestos policy.

9.0 Asbestos policy review cycle

9.1 The health, safety and risk service are allocated responsibility for undertaking the asbestos policy reviews and will follow the corporate approach of five-year cycles. This can be more frequent where significant change in work practices triggers an earlier review point. The review may also be driven by service improvement initiatives, changes to legislation, industry practice, internal findings, subject matter expert advice, or as a result of feedback from compliance audits, along with other potential sources.

9.2 The health, safety and risk service will continue to review the AMP on an annual cycle.

10.0 Asbestos policy compliance auditing

10.1 Work is progressing to procure a supplier to independently audit the asbestos arrangements covering both non-domestic and domestic properties.

11.0 Asbestos waste / hazardous waste record keeping

11.1 The AMP covers instruction in regards operational record keeping standards.

12.0 Consultation

- 12.1 The lead health and safety professional has facilitated an extensive consultation for this policy area.
- 12.2 The informal consultation ran from early September 2023 until the second week in January 2024, covering a 17-week period.
- 12.3 An asbestos policy consultation page was established on Aspire (internal intranet) in November 2023, which supported a wider workforce awareness of the consultation exercise. This was to try and engage as larger audience as possible. Management e-bulletins were issued and direct engagement sessions were also organised with key stakeholders.
- 12.4 The policy documents formal consultation was completed at the Health and Safety Committee on 14.02.24, where the policy documents were endorsed and recommended for formal approval at the Employment and General Committee

A) Implications for consideration – Human resources

- A1 The asbestos policy has implications in regards the occupational health budget, principally through lung function (spirometry) health surveillance costs.

B) Implications for consideration – Council plan

- B1 This policy will ultimately support Council services and the objectives of the Council plan priorities. Asbestos can have a long latency period for some asbestos ill health diseases. When the policy is fully implemented, it will help safeguard the Council from future adverse costs associated with asbestos and ill health conditions. For example, diverting resources from completing Council plan priorities to reactive claims and enforcement action. This would include protecting officers and others from harm, protecting the reputation of the Council and avoiding potential fines and prosecutions. All of which could delay the Council meeting its planned objectives.

C) Implications for consideration – Climate change

- C1 This updated policy will not generate a higher environmental impact. Any ACM material that are removed, are disposed of at landfill. No ACM biproducts can be recycled.

D) Implications for consideration – Equality and diversity

- D1 A specific Equalities Impact Assessment (EIA) has been developed for this policy area, which is attached at Appendix C to this report.
- D2 The Council is implementing a policy which meets Health and Safety legislation, and which will help to keep safe from harm all protected characteristics.

E) Implications for consideration – Risk management

- E1 This policy and AMP will ultimately reduce any residual risk to the Council, by providing a clear framework and instructions to follow. This policy and AMP adds to the wider robustness of the health and safety management system of the Council.

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
The policy does not comply with legislative requirements.	H	M	Chartered safety and health professionals available to help officers interpret the policy and AMP documents as well as ACoP. Consultation and engagement with HSE, industry guidance, management, Trade Unions and wider non-unionised workforce. Policy helps ensure	H	L

			statutory compliance and aligned to best practice standards		
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Decision information

Key decision number	Not a key decision.
Wards affected	All

Document information

Report author	
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Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
The Council's Respiratory Protective Equipment (RPE) Policy 2023-2027 <i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	
Appendix A	Asbestos Policy 2024-2029
Appendix B	Asbestos Management Plan 2024
Appendix C	Equality Impact Assessment - Asbestos Policy 2024-2029
Appendix D	Asbestos process Maps