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**To: Finance, Resources and Customer Services Policy Board**

**On: 14 November 2018**

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**Report by: Director of Finance and Resources**

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**Heading: Revised Asbestos Policy**

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**1. Summary**

- 1.1 The Health and Safety at Work etc. Act 1974 and the Control of Asbestos at Work Regulations 2012 (as amended) place duties on Renfrewshire Council to make adequate arrangements for the management and control of asbestos.
- 1.2 It is necessary for Renfrewshire Council to review and revise the existing procedures for managing and control of asbestos to meet the legal requirements of the specified legislation. Successful implementation of the policy will ensure that asbestos is managed and controlled in an efficient and effective manner throughout the Council and that work activities involving asbestos containing materials are assessed to determine and control risks.
- 1.3 The full policy can be summarised as follows;
  - ensure that Council employees and others will not be exposed to risk from asbestos containing materials.
  - define service responsibilities for the management and control of asbestos.
  - require employees to co-operate in the management and control of asbestos.

- arrange a systematic programme of surveys of Council property and contaminated land; and the maintenance of an asbestos register, and the provision of information to relevant parties as appropriate.

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## 2. **Recommendations**

- 2.1 The board approves the revised asbestos policy.

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## 3. **Background**

- 3.1 Asbestos is the collective name given to a group of fibrous materials that are flexible, mechanically strong and resistant to stretching, heat and chemicals. It has been used in various building products and materials for some considerable time, but was more commonly used in building construction in the periods between 1950 and 1980.

We recognise the possible presence of asbestos within some of our properties under our control. To help manage this risk an effective asbestos management policy and associated asbestos management plan need to be in place to manage the risks to tenants, contractors and staff.

The presence of asbestos containing materials (ACMs) does not in itself represent a danger. However, asbestos is hazardous when damaged or disturbed and must be treated accordingly. Activities which give rise to airborne dusts e.g. breaking, sawing, cutting, and drilling asbestos containing materials are the most likely to present risks.

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## **Implications of the Report**

1. **Financial** - Continuing to improve health and safety performance will reduce accidents/occupational ill health and associated costs.
2. **HR & Organisational Development** - This report supports the Council's commitment to the health, safety and wellbeing of employees.
3. **Community/Council Planning** – This report and plan supports the objectives contained within the community and council plans.
4. **Legal** - The council will continue to comply with current health and safety legislation.

5. **Property/Assets** - Having a robust health and safety management system in place and an effective risk control system should ultimately reduce the risk of property damage and potential loss of premises which could be caused by fire for example.
6. **Information Technology** - Not applicable.
7. **Equality & Human Rights**  
  
The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report as it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - This report supports and demonstrates the council's commitment to ensuring effective health and safety management.
9. **Procurement** - Finance and Resources, HR and Organisational Development (FAR, H.R. and O.D.) health and safety section has a valuable input to the Council's procurement system.
10. **Risk** - This report supports the overarching management of risk within Renfrewshire Council.
11. **Privacy Impact** - Not applicable.
12. **Cosla Policy Position** - Not applicable.

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List of attached papers: **Asbestos Policy**

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Corporate Policy Document  
Health and Safety

# Policy on Asbestos Management

Finance and Resources  
HR and Organisational Development  
Health and Safety



The Government Standard



**Healthy  
Working  
Lives**



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## **1.0 Introduction**

This document sets out our policy for how we manage asbestos containing materials in our properties.

Asbestos is the collective name given to a group of fibrous materials that are flexible, mechanically strong and resistant to stretching, heat and chemicals. It has been used in various building products and materials for some considerable time, but was more commonly used in building construction in the periods between 1950 and 1980.

We recognise the possible presence of asbestos within some of our properties under our control. To help manage this risk an effective asbestos management policy and associated asbestos management plan need to be in place to manage the risks to tenants, contractors and staff.

The presence of asbestos containing materials (ACMs) does not in itself represent a danger. However, asbestos is hazardous when damaged or disturbed and must be treated accordingly. Activities which give rise to airborne dusts e.g. breaking, sawing, cutting, and drilling asbestos containing materials are the most likely to present risks.

## **2.0 Background**

All regulations are made under the Health and Safety at Work etc. Act. Regulations controlling asbestos materials have evolved concerning the manufacturing and processing of asbestos into regulations related to the control of the material. Under current regulations Renfrewshire Council is required to have a sound Asbestos Management Policy to ensure everyone who either, works for or on behalf of the Council, or who may use any facility provided by the Council, is not exposed to asbestos materials in a condition which may expose them to asbestos fibres.

Control of Asbestos Regulations 2012 set out a specific requirement to monitor and manage asbestos containing materials (ACMs) in communal areas and common parts of domestic buildings such as blocks of flats, foyers, corridors, lift shafts etc. and all areas of common buildings, such as Renfrewshire House, Abbey House, town halls, museums, etc.

This also mean that domestic properties are covered by our Asbestos Management Policy to ensure Renfrewshire Council employees are not exposed to health risks in going about their work. The relevant Asbestos Management Plan for public buildings and domestic properties will give further details of this (refer to section 4 for further information).

### **3.0 Policy aims and outcomes**

Renfrewshire Council is committed to conducting our business in a way that protects the health, safety and welfare of its employees, tenants, contractors and visitors. It recognises its responsibility to prevent exposure to the hazards associated with asbestos containing materials (ACMs).

Consistent with this, we will:

- Ensure that all ACMs are effectively managed and associated risks reduced to as low as reasonably practicable.
- Develop and implement an effective, robust and efficient Asbestos Management Plan so that appropriate measures such as monitoring, labelling, encapsulation, inspection or removal of ACMs is undertaken.
- Maintain an up to date controlled Asbestos Register.
- Promote awareness of the hazards associated with ACMs, the contents of this Asbestos Policy and the associated Asbestos Management Plan.
- Freely provide information on ACMs to appropriate personnel and third parties.
- Review this Asbestos Policy and Asbestos Management Plan annually.

The intended outcomes of this policy are to:

- Ensure asbestos does not become an unacceptable risk to staff, contractors and tenants by undertaking inspections and surveys.
- To maintain an asbestos register for all Council properties (domestic / non-domestic)
- Promote awareness of the hazards of ACMs and promote our asbestos register, policy and management plan.
- Regularly review policies and procedures
- Manage ACMs left in situ
- Meet or exceed legislative requirements
- Implement an effective management plan and ensure all persons who are required to work on, repair or remove asbestos are competent and/or licensed.

### **4.0 Asbestos Management Plan**

The purpose of an Asbestos Management Plan (AMP) is to assist with the control and management of ACMs in the Council's properties and premises.

All properties constructed prior to 2000 will be subject to an AMP.

Due to the nature of the Council's properties and premises, there is a requirement to have two Asbestos Management Plans.

- Public Buildings and Common Areas – Prepared and managed by Property Services
- Domestic Properties - Prepared and managed by Housing Services



## **Identification of Asbestos**

In order to understand the extent of asbestos material contained within Renfrewshire Council properties and premises under our control, various surveys will be used to gather relevant information, such as type, extent, location and condition. All surveys will be undertaken by a UKAS Accredited organisation.

Types of surveys that could be carried out are as follows:

- Refurbishment survey on void domestic properties built before 2000;
- Refurbishment or Demolition survey on non-domestic properties due for major repairs or partial demolition works on properties built before 2000;
- Targeted refurbishment and management survey on any properties requiring local repair or upgrade work as and when required;
- Demolition survey carried out on any property that will be completely demolished;
- Management survey (non- intrusive) will be carried out to monitor the condition of any ACM's, as necessary, in line with local AMP or when new properties are inherited/ purchased.

## **Determining Risk**

Each ACM is assigned a score to reflect its asbestos type, condition and surface treatment. This informs the categorisation of the potential for fibre release. The survey makes recommendations and assigns a priority category to the ACM. The asbestos register forms the basis of the asbestos management plan.

Survey results (including negative results) will be recorded on the relevant recording system by the Asbestos Officers (for Property or Housing Services). Within Property Services only public building information is logged within CAMIS (the Council's Corporate Asset Management Information System). Any information gathered by Housing Services (Domestic and common areas) will be saved on the shared drive under the property address. Where no information regarding ACMs is available e.g. areas that could not be accessed during a survey, it must be presumed that ACMs are present and the register will reflect this.

It is not the policy of the Council to remove ACMs that are in good condition and present insignificant risk to the health of the building occupants; however, we recognise the need for flexibility where there is a case made for specific removal.

If the Council decides to leave the asbestos in-situ, then it will:

- Log the details on the relevant property record, in order to be referred to by those that require the information and will include a floorplan of the property with ACM areas highlighted
- Ensure that all tenders for planned and cyclical works include reference to the Control of Asbestos Regulations 2012 and the relevant asbestos information.

Damaged ACMs will be made safe either by sealing, encapsulating or by removing the ACM entirely. The asbestos register will be updated to reflect the action taken.

### **On-Going Monitoring**

All asbestos records and procedures must be regularly monitored and reviewed. It is imperative that all asbestos documents are kept up to date and are accessible.

The asbestos reports for relevant domestic properties are located on the shared drive, and this is monitored and managed by the Housing Services Asbestos Officer.

The asbestos reports for relevant to public buildings are located on CAMIS and this is monitored and managed by the Property Services Asbestos Officers.

Any changes to the condition and location of any known or suspected ACM's must be recorded on the asbestos register and associated files. Similarly, any removal work must be recorded.

### **Review of the Plan(s)**

The Council will review the asbestos management plan(s) regularly (unless significant changes) to ensure it is working effectively. This review will be linked to the corporate risk register and the risk adjusted as necessary.

## **5.0 Responsibilities**

In addition to the responsibilities contained within the Corporate Health and Safety Policy this section identifies specific responsibilities in relation to managing asbestos related activities. Where a specialist contractor is employed to carry out asbestos related works then they must be suitably qualified and accredited.

### **Finance and Resources Services - Property Services**

- Shall arrange for the identification of asbestos containing materials via an ongoing property survey programme for Public Buildings and common areas
- Shall arrange for the compilation, and maintenance, of a council wide Asbestos information for Public Buildings and common areas
- Shall arrange for a record of Premises having asbestos containing materials to be incorporated into CAMIS for Public Buildings
- Shall arrange for a record of common areas having asbestos containing materials to be incorporated into the relevant address location on the shared drive
- Shall be directly responsible for the appointment and vetting of competent contractors to undertake work on asbestos in for Public Buildings and common areas and for the monitoring of such asbestos work to ensure full compliance with relevant legislative provisions
- Shall develop and maintain the Council's Asbestos Management Plan for Public Buildings and Common Areas, which shall be available on the intranet.

## **Communities, Housing and Planning Services – Housing Services**

- Shall arrange for the identification of asbestos containing materials via an ongoing property survey programme for domestic properties
- Shall arrange for the compilation, and maintenance, of a council wide record for domestic properties on a shared drive
- Shall arrange for a record of domestic properties surveyed as having asbestos containing materials to be incorporated into the relevant address location on the shared drive
- Shall be directly responsible for the appointment and vetting of competent Accredited Asbestos contractors to undertake work on asbestos in for tenanted houses and for the monitoring of such asbestos work to ensure full compliance with relevant legislative provisions
- Shall develop and maintain the Council's Asbestos Management Plan for Domestic Properties, which shall be available on the intranet.

## **Environment and Infrastructure Services – Building Services**

- Shall identify all work activities (both normal and emergency situations) that could result in the disturbance of ACM, in relation to the work activities carried out by all relevant trades
- Shall establish safe working practices (including risk assessments and method statements) for those work activities that Building Services are able to complete
- Shall establish a safe working practice for those works required by “out of hours” emergency calls to domestic properties, where access to asbestos register is not available to tradesman
- Shall establish what work activities require the use of specialist contractors only
- Shall be responsible for ensuring all relevant staff have received suitable and sufficient training on asbestos and the safe working practices to be followed
- Shall ensure information from the asbestos reports for the relevant properties being worked on are provided to employees prior to works commencing
- Shall ensure that employees know what to do if they suspect that asbestos has been uncovered or disturbed during the course of normal working activities that was not included in the property's asbestos reports

## **All Employees**

- All employees shall co-operate with Renfrewshire Council in the implementation of this policy
- Only employees that have received suitable training and have been provide with suitable tools and equipment (including personal protective equipment) will be permitted to carry out any work involving ACM's;
- They shall follow the Council's established procedures and generally working with due care and attention for their own safety and that of others
- Any employee suspecting the likelihood of an asbestos hazard within a Renfrewshire Council property should immediately contact their immediate supervisor regarding any situation he/she would reasonably consider to represent a shortcoming in the Councils and/or Services protective arrangements for managing asbestos work.

### **Finance and Resource Services - Health and Safety Section**

- Shall provide advice, guidance and assistance to services with regards to the implementation of this policy;
- Shall report any RIDDOR related incidents to the Health and Safety Executive (HSE)
- Shall, in conjunction with relevant services, review this policy and associated guidance and advise the Council and services of amendments.

### **Persons with duties in respect of the management and control of activities involving asbestos**

- All persons with duties in respect of the instruction, management and control of activities involving asbestos, including maintenance, contracting, technical, estates and health and safety section, will ensure that the Council's policy, management plan, guidelines and procedures are followed. In particular, they will:
  - (i) Ensure that no work shall commence without the assessment of the potential exposure of employees and others to asbestos as a result of the work and that a suitable plan for undertaking the work is made before the work commences.
  - (ii) Where work involving asbestos containing materials may be encountered, the responsible officer should consult the asbestos register prior to all building/refurbishment/ maintenance work.
- When information is not available from the asbestos register then a survey and sampling will be required for the property or land prior to work commencing. This will be the responsibility of the officer instructing the work.

### **Persons with ground clearing responsibilities**

When, during the course of ground clearing works, where asbestos or material suspected of being asbestos are uncovered, the local manager will ensure that:

- All work is stopped in the area;
- If it is Council land, restrict access and contact the property asset section to determine which service has control of the area and then advise the service controlling the land of the situation. They will require to have the material tested or removed by a specialist company.
- If it is not Council land, where possible make secure and the landowner should be contacted and made aware of the discovery of suspect material. They will require to have the material tested or removed by a specialist company.

The above may vary depending on the circumstances involved. Contractors should refer any queries to the Council at the earliest opportunity.

## **6.0 Communications with internal or external contractors**

Prior to any work being instructed and carried out in properties owned or managed by the Council, the Asbestos records for that property must be consulted.

Where a contractor is instructed to carry out a repair to properties they must be advised that ACMs may be present in the building.

External contractor's will be provided with a copy of the relevant asbestos information prior to works commencing, by those arranging and managing the contract. This will be issued in the form of a PDF email attachment or other suitable format. This will provide an opportunity for them to pass the information on to the relevant operatives that will be involved in the works on behalf of the Council.

Internal contractors will be advised of the property address and where the information is located on CAMIS or on the shared drives, where managers and supervisors will be able to access the information and then share with the relevant operatives, normally in the form of hard copies, prior to works commencing on site.

Any "near miss" situations associated with incomplete/incorrect asbestos survey information provided by appointed asbestos survey contractor shall be sent to Health and Safety Section, for review/action.

Where ACM's are discovered in premises, the relevant Asbestos Co-Ordinator for either Domestic or Non-Domestic properties should be contacted in order that suitable arrangements can be made to have the material disposed of correctly.

For further information on how these regulations are applied please refer to the relevant Asbestos Management Plan (see section 4)

## **7.0 Contractors Responsibilities**

Contractors (including sub-contractors) working for the Council are responsible for ensuring that all employees under their control reference the Asbestos Register and understand its content and actions required. They are also responsible for ensuring all employees under their control work in line with the Council's Asbestos policy and management plan.

Prior to starting a job if a contractor suspects the presence of asbestos they must not start it and contact their line manager for advice. If the property has not been previously surveyed and was constructed prior to 2000 the job must be postponed until a survey is carried out.

When, during the course of any work, asbestos or material suspected of being asbestos, not identified by the asbestos register is discovered, the contractor will ensure that:

- All work is stopped in the area;
- All persons are removed and kept out of the immediate vicinity without causing undue concern,

- The area is closed, sealed or locked off (where practicable)
- Any equipment or materials are left in place. These will require to be disposed of as special waste depending on the result of sampling.
- The Service Manager should be immediately notified. The Service manager will then contact the relevant Service Asbestos Officer to make them aware of the situation
- Arrangements will then be made for the suspected ACM to be sampled by a competent Asbestos Surveyor and analysed by a UKAS Accredited Laboratory.

The above may vary depending on the particular circumstances involved. Contractors should refer any queries to the Council at the earliest opportunity.

For further information on the selection and use of contractors, refer to the relevant AMP.

## **8.0 Applicable Legislation & Regulations**

### **Control of Asbestos Regulations 2012**

Control of Asbestos Regulations 2012, primarily remain the same and the changes will not make any difference to the standards of control for asbestos work.

The category of Notifiable Non-Licensed Work (NNLW) has been created which now gives a three-tier system:

- Licensed Work -high risk, high fibre release e.g. removing loose insulation
- Non-Licensed Work - low risk, low fibre release e.g. cleaning up small quantities of loose/ fine debris containing ACM dust
- New category (NNLW) – medium risk e.g. minor, short duration work to remove asbestos insulating board as part of a refurbishment project

The Asbestos Regulations also include the 'duty to manage asbestos' in non-domestic premises e.g. common areas in closes. Main provisions in the regulations include:

- Take reasonable steps to determine the location of materials likely to contain asbestos by implementing effective surveying strategies for domestic and non-domestic properties;
- Presume materials to contain asbestos, unless there are good reasons not to do so;
- Make and maintain a written record of the location of Asbestos Containing Materials (ACMs) and presumed ACMs;
- Assess and monitor the condition of ACMs and presumed ACMs;
- Assess the risk of exposure for ACMs and prepare a written plan of actions and measures necessary to manage the risk i.e. the 'management plan';
- Take steps to ensure the actions are carried out and recorded.
- Training is mandatory for anyone liable to be exposed to asbestos fibres at work.

Renfrewshire Council (the duty holder) must manage the risk in the following ways:

- Keep and maintain an up to date record of the location, condition, maintenance and removal of all the ACMs on the premises;
- Repair, seal or remove ACMs if there is a risk of exposure due to their condition or location;
- Maintain ACMs in a good state of repair and regularly monitor their condition;
- Have arrangements in place so that work which may disturb ACMs complies with the Control of Asbestos Regulations;
- Review the plan at regular intervals and make changes if circumstances change.

For further information on how these regulations are applied please refer to the relevant Asbestos Management Plan (see section 4)

### **Management of Health and Safety at Work Regulations 1999**

These regulations require employers to assess health and safety risks to employees and third parties, such as residents who may be affected by our activities and make suitable arrangements to protect them.

Every public building and common area of domestic properties has an Asbestos Survey, has been undertaken which form part of the asbestos risk assessment of that location.

There is an ongoing process for carrying out asbestos surveys within Domestic properties, to help manage the risk assessment process.

For further information please refer to the relevant AMP.

As a manager, you may have employees working out with properties where they may uncover suspect material as part of their duties, such clearing spare ground. Therefore, local risk assessments, procedures and suitable training must be provided.

### **The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)**

These regulations places duties on employers and people in control of work premises to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses).

Exposure to asbestos is reportable under RIDDOR when a work activity causes the accidental release or escape of asbestos fibres into the air in a quantity sufficient to cause damage to the health of any person. Such situations are likely to arise when work is carried out without suitable controls, or where those controls fail – they often involve:

- use of power tools (to drill, cut etc.) on most ACMs
- work that leads to physical disturbance (knocking, breaking, smashing) of an ACM that should only be handled by a licensed contractor e.g. sprayed coating, lagging, asbestos insulating board (AIB)
- manually cutting or drilling AIB

- work involving aggressive physical disturbance of asbestos cement e.g. breaking or smashing

If these activities are carried out without suitable controls, or the precautions fail to control exposure, these would be classed as a 'dangerous occurrence' under RIDDOR and should be reported to the Health and Safety Executive (HSE) by the Council's Health and Safety Section.

### **Construction Design and Management Regulations 2015**

These stipulate that arrangements should be in place to deal with asbestos during construction, refurbishment and demolition. These arrangements must be site specific and available prior to work commencing.

Any works being carried out under CDM will also be reflected in the relevant AMP

### **Special Waste Regulation 2004**

These regulations class asbestos as hazardous waste and therefore must be disposed of only by authorised persons or businesses. The waste producer must keep disposal records for at least 3 years.

Refer to the relevant AMP for further details.

## **8.0 Additional Guidance**

The following Approved Code of Practice and guidance documents can be viewed to gain additional information where necessary:

- L143 ACoP – Managing and Working with Asbestos
- HSG 227 – Managing asbestos in Premises
- HSG 264 – Asbestos – The Survey Guide

## **9.0 Summary**

Asbestos containing materials are a potentially serious hazard to health. However, if their locations and risks are known and a robust system of control and communication is maintained, they do not pose a significant risk.