

**THE MORAY COUNCIL  
COMMUNITY SERVICES DEPARTMENT**

**Asbestos Management Policy**

**1. Scope of the Policy**

- 1.1 This policy describes the activities and responsibilities involved while working with asbestos, in accordance with the requirements of the Control of Asbestos Regulations 2006 (CAR 2006), which came into force on 13 November 2006. These regulations bring together the three previous sets of Regulations covering the prohibition of asbestos, the control of asbestos at work and asbestos licensing.
- 1.2 This policy applies to all buildings either, owned, leased or managed by the Moray Council Housing Service, or any other locations which may be utilised by that service at any time. This policy will be read in conjunction with the Moray Council, Safety Management System, section 8.11 – Management of Asbestos.
- 1.3 Asbestos is a mineral that is resistant to heat, fire and corrosive chemicals. There are three main types:
- Crocidolite (blue)
  - Amosite (brown)
  - Chrysotile (white)

Asbestos is composed of small fibres, which can only be detected by using a microscope under laboratory conditions. Asbestos fibres are hazardous, and principally cause harm to the lining of the lungs when inhaled. As Asbestos ages, weathers or is worked upon, it becomes more “friable” and fibres may be released more easily.

1.4 The Council will ensure that no individual is discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions. The Council will ensure the promotion of equal opportunities by publishing information and documentation in different languages and other formats such as large print, tape and Braille as required.

## **2. Local Housing Strategy/Corporate Development Plan/Service Improvement Plan**

2.1 The Asbestos Policy will assist the Council to meet the Local Housing Strategy, Corporate Development Plan and Service Improvement Plan aims and priorities, by ensuring that all tenants' homes are free from dangerous substances and meet current Health & Safety standards.

2.2 The improvement and maintenance of the housing stock will ensure that it remains sustainable in the longer term, both physically and environmentally.

## **3. Objectives and Principles of the Policy**

3.1 The main aim of this policy is to ensure that any asbestos located within the housing stock is managed in accordance with relevant legislation. There will also be a requirement on contractors to demonstrate that all staff have sufficient knowledge to recognise asbestos if they encounter it. The Housing Service will also take the stance that contractually, asbestos may be seen as an item for variation orders dependent on circumstances.

3.2 The specific objectives of the Asbestos Policy are:

- To take steps to locate asbestos containing material in our premises and assess their condition;
- To maintain records of the location and condition of asbestos containing materials found and assess the risk from them;

- To provide information and advice on the location, type, and condition of the material to anyone who could be in a position to disturb it;
- To ensure that all residents and contractors working in tenants homes clearly understand the risks involved in disturbing asbestos containing materials;  
and
- To take all reasonably practicable steps to prevent our employees and others from breathing in asbestos fibres.

3.3 The principles underpinning the Asbestos Policy are: -

- The Council will ensure that the Asbestos Policy complies with and reflects the legal framework and good practice;
- The Council will work in an inclusive way to enable implementation of this policy. This will include involving tenants groups, owners, and other council services;
- The Council will implement detailed procedures and agreed practices uniformly across the service;
- The policy will be supported by staff training for anyone liable to be exposed to asbestos fibers at work and to ensure all staff are equipped to carry out the roles expected of them; and
- Communication with tenants and service user is in 'plain language' and will make clear who the appropriate officer is to contact in the case of enquiries.

#### **4. Legal Framework**

4.1 The Council will ensure that the Asbestos Policy complies with current legislation, promotes good practice and ensures that all residents and contractors working in tenants homes clearly understand the risks involved in disturbing asbestos containing materials.

4.2 The Council will ensure that the Asbestos Policy complies with the Health and Safety at Work etc Act 1974, and the Control of Asbestos Regulations 2006.

4.3 In formulating this policy the council recognises that all residents have rights under the Human Rights Act 1998. Every effort will be made to ensure that in implementing this policy, these rights are not breached.

4.4 Data Protection Act 1998

The Council will comply with all of the requirements of the Data Protection Act 1998 and will ensure that personal data is processed fairly and lawfully, that it is used for the purpose it was intended and that only relevant information is used. The Council will ensure that information held is accurate, and where necessary kept up to date and that appropriate measures are taken that would prevent the unauthorised or unlawful use of any personal information given.

4.5 Freedom of Information (Scotland) Act 2002

The Freedom of Information (Scotland) Act 2002 provides "a right of access by the public to information held by public authorities". In terms of Section 1 of the Act, the general entitlement is that a "person who requests information from a Scottish public authority which holds it is entitled to be given it by the authority". Information which a person is entitled to is the information held by the public authority at the time that the request is made. However, there are exemptions to this ruling to ensure that 'personal data' is not disclosed in breach of the Data Protection Act 1998.

**5. Service Standards**

5.1 The Council recognises the need to protect its employees, residents and contractors from the harmful effects of asbestos by:

- complying with all Asbestos Regulations and all attendant guidance notes and codes of practice;
- providing standards not less than those set out in the Approved Codes of Practice;
- taking all reasonably practicable steps to prevent our employees, contractors and others from being exposed to asbestos fibres

- providing appropriate training and procedures for safe systems of work for Council employees. Updated as necessary where work results in a possible risk of exposure to asbestos.
- providing its employees with all necessary Personal Protective Equipment.

In support of this, the Housing Service will instigate the following practical steps:

#### 5.2 Survey of properties to ascertain if asbestos containing materials are present

Surveying, sampling and assessment of asbestos-containing materials will be undertaken for all 'non-domestic' areas associated with the Councils' housing stock. The surveys will be carried out by members of Housing Service staff who have received specialist training and who hold a minimum qualification of P402 (Building Surveying and Bulk Sampling for Asbestos). Reports will be produced for all areas surveyed, and will be held by the Capital Programmes Team. Prior to any major refurbishment or upgrading works in these areas, the reports will be used to consider appropriate methods of work, and copies provided to consultants and contractors as required.

Surveys will also be undertaken on individual properties within the Councils housing stock when suspected Asbestos containing materials are discovered.

Information relating to any Asbestos containing materials discovered will be held in a central Asbestos Register, maintained by the Capital Programmes Team. Copies of the register will be provided to Property Services, Area Housing Offices and Building Services DLO and updated copies circulated as and when updates are entered.

#### 5.3 Asbestos Register

The Asbestos Register will be maintained and updated on a regular basis as and when further surveys are completed. Environmental Services, Property Section, Building Services DLO and any other services who may be carrying out works in area where Asbestos may be present will be provided with the information

detailed in the Asbestos Register when works instructions are issued. It is essential that this information is available to all Contractors prior to carrying out work on the housing stock.

#### 5.4 Letting of Tenders and Issue of Work Orders

At Client Instruction stage, prior to Property Services site survey, the Capital Programmes Section will refer to the asbestos register and will advise Property Services, who will in turn advise the tendering contractors of any areas which are known or are presumed to have asbestos materials present. If the project is of a major nature, or if an asbestos survey has not yet been undertaken, asbestos surveys of an appropriate type may be necessary. The Housing Service will be responsible for arranging surveys on this type of project. When a survey is not possible then it is necessary that the client presumes the presence of Asbestos containing materials. The contractors will be requested by the Property Services Contract Administrator to undertake such work assuming asbestos is present.

It is recognised that the practical restrictions of carrying out such surveys, does not guarantee that all materials containing asbestos will be found. It may be necessary to carry out more detailed and additional surveys prior to letting certain major contracts.

## **6 Licensed Asbestos Removal Contractors**

6.1 Licensed Asbestos Removal Contractors will be used for all work with:

- Asbestos insulation – thermal, acoustic and electrical;
- Asbestos coatings – e.g. sprayed limpet; and
- Asbestos insulation board – e.g. asbestolux, ceiling tiles

#### 6.2 Competence of Contractors

Contractors will be HSE approved contractors and will be required to provide a copy of their HSE licence. Moray Council Procurement Policy outlines selection criteria.

### 6.3 Assessment

Before work is undertaken, where asbestos is present in any form, the Control of Asbestos Regulations requires that an assessment is completed. This assessment must be in writing and will cover the following:

- A description of the work, including the type of work. For example. repairs and removal;
- The type, quantity and condition of the asbestos containing material;
- The steps to be taken to prevent or reduce exposure to the lowest level reasonably practicable, including the reasons for the chosen work;
- The steps to be taken to control the release of asbestos into the environment;
- Details of expected exposures and the numbers of people affected;
- Procedures for the removal of any waste;
- Procedures for dealing with emergencies;
- Use and decontamination of personal protective equipment (PPE) including respiratory protective equipment (RPE); and
- A check on the proposed Contractor's competence (and any pending notices) using the HSE website

6.4 The Council's CDM Co-ordinator (Environmental Services, Property Services) will ensure that every contractor involved in working with asbestos, where Construction Design and Management regulations apply, submits a copy of an assessment, Plan of Work and appropriate Method Statement prior to any work commencing that may involve asbestos. This does not preclude any minor work involving limited amounts of external asbestos cement products. For example, removing asbestos rainwater goods materials, single sheets of asbestos cement etc.

A copy of the above information will be submitted to the Contract Administrator and CDM Co-ordinator (Environmental Services, Property Services) in order to allow notification to the HSE where necessary. In exceptional circumstances where the delay could create a danger to staff or the public this can be reduced.

Work will not commence on site until the Plan of Work and Method Statement have been approved.

In specific low risk circumstances – i.e. dealing with asbestos cement sheeting, contractors may remove asbestos in ‘non-notifiable’ cases, but must still provide a Plan of Work and Method Statement for approval prior to commencing work.

#### 6.5 Safe Systems of Work

All work undertaken by contractors must be undertaken in accordance with methods provided by HSG210 (Health and Safety Executive – Asbestos Essentials – Task Manual) or be undertaken by a licensed asbestos contractor using an agreed safe system of work. Any costs arising will be deemed the responsibility of the appropriate Project Manager. Where control measures are introduced, The Moray Council will ensure they are maintained and properly used by carrying out regular site inspections.

Part of the safe system of work will include the safe disposal of the asbestos waste. This involves the completion of a Pre-notification consignment note for waste disposed of and the copies of certificates for waste removed by specialist contractors licensed by the HSE. For the majority of work involving the disposal of asbestos waste there is a requirement to give three days notice before disposal. This can be waived by the SEPA in exceptional circumstances such as collection of fly tipping where there is a risk arising from the three day delay.

Safe Systems of Work for all employees will be used and updated as necessary in the form of method statements where work results in a possible risk of exposure to asbestos. All necessary Personal Protective Equipment for employees will be provided.

#### 6.6 Notification to Health and Safety Executive

At least 14 days prior to commencement, the Health and Safety Executive must be notified by the HSE licensed Contractor of any work likely to give rise to

asbestos in air above the approved "control limits" specified by the Regulations. This type of work will be carried out by a Licensed Asbestos Removal Contractor, who will be responsible for providing all necessary method statements to satisfy the HSE and subsequently carrying out the removal work in accordance with current regulations.

Any asbestos removal works carried out on behalf of the Moray Council will be carried out with the affected building closed to the public during the period of the works.

#### 6.7 Information and Training

All contractors working with asbestos must ensure that their staff are aware of the content of this Policy, and relevant Safe Working Methods approved by the Health & Safety Executive. Proof of appropriate levels of training for all personnel who are involved in any asbestos related work and those who may come into contact with asbestos containing materials within our properties must be provided to the CDM Co-ordinator on request.

### **7 Monitoring Arrangements**

7.1 The Capital Programmes Manager will record and monitor the following information:

- Number of Asbestos Surveys carried out per year;
- Number of Asbestos samples sent for analysis per year;
- Number of 'positive' Asbestos test samples per year;
- Number of incidences where Asbestos containing materials have been removed per year; and
- Number of houses in the stock where Asbestos is present, updated as required following removal works

7.3 This policy will be reviewed on a bi-annual basis, or should a change in Asbestos legislation arise.