

DEVON COUNTY COUNCIL

ASBESTOS MANAGEMENT POLICY

| | |
|-------------------|-----------------|
| Policy Date: | December 2007 |
| Policy: | Asbestos Policy |
| Reviewed: | September 2015 |
| Next Review Date: | September 2017 |

DEVON COUNTY COUNCIL

ASBESTOS MANAGEMENT POLICY 2007

| | |
|--|---|
| Date reviewed: | September 2015 |
| Policy dated: | December 2007 |
| Formal Review Date: | September 2017 |
| Policy Type: | County Health, Safety and Wellbeing Policy |
| Approval: | Devon Health and Safety Panel |
| Author: | Nigel Coleman, Competent Person (Asbestos) nigel.coleman@nps-sw.co.uk Tel: 01392 351041 |
| Reviewing Author: | Margaret Bullock, County Health and Safety Manager |
| Email: | Margaret.bullock@devon.gov.uk |
| Health & Safety Contacts: | Devon Health & Safety Service Healthandsafety@devon.gov.uk Helpline: 01392 382027 |
| Sponsors: | Dr Phil Norrey, Chief Executive John Smith, Services for Communities |
| Associated policies and guidance: | <ul style="list-style-type: none">• Devon County Council's Health, Safety and Wellbeing Policy• DCC HS0004 Asbestos Guidance Note• All work and operational related activities policies |

DEVON COUNTY COUNCIL
ASBESTOS MANAGEMENT POLICY

CONTENTS

| | |
|------------------------------|------------|
| 1. Policy statement | page 4 |
| 2. Context | page 5 |
| 3. Implementation | page 5 |
| 4. Responsibilities | page 6 |
| 5. Audit, monitor and review | page 7 |
| 6. Equality statement | page 7 |
| 7. Review of the policy | page 7 |
| Policy History | page 8 |

1. POLICY STATEMENT

- 1.1 Devon County Council is committed to ensuring the health, safety and wellbeing of all of its employees. We will therefore promote a positive workplace culture that:
- Identifies the hazards and effectively manages the risks associated with asbestos containing materials in all premises controlled by Devon County Council and to work with the responsible person in premises under the control of other organisations where DCC employees are located
 - Enables managers and staff to safely manage known asbestos containing materials
 - Manages identified risks with solutions that are reasonably practicable
 - Sees the provision of information and appropriate training as a core element
 - Enables managers to address issues raised by staff and anyone who is affected by our services
 - Fully supports the active participation of staff representation by recognised Trade Unions/duly appointed Employee Representatives of Safety in the development and implementation of health and safety related policies and procedures
- 1.2 The successful implementation of this policy can only be achieved by co-operative effort at all levels within the organisation. To promote and achieve the aims and objectives of this policy, the County Council will appoint a 'competent' person charged with the responsibility to develop and maintain the aforementioned policy and guidance. Furthermore, the competent person will promote the requirements of this policy by way of providing information, guidance and facilitating training to all those holding responsibility for the management of asbestos on behalf of the County Council. This person will be identified as the Competent Person (Asbestos).
- 1.3 This Policy should be read in conjunction with HS0004 Asbestos Guidance Note which details the procedures to be followed.
- 1.4 To achieve the aims of this policy, Devon County Council will:
- Prohibit the use or installation of new or second-hand asbestos containing materials (ACMs) within Council owned, occupied or controlled premises
 - Take reasonable steps to find ACMs within Council owned, occupied or controlled premises
 - Presume that materials contain asbestos unless there is strong evidence to suppose they do not
 - Make a written record of the location and condition of asbestos and presumed ACMs and keep the record up to date
 - Assess the risk or the likelihood of anyone being exposed to ACMs and prepare a plan to manage that risk and put it into effect to ensure that:
 - Any material known or presumed to contain asbestos is kept in a good state of repair

- Any material that contains or is presumed to contain asbestos is, because of the risks associated with its location or condition, repaired or if necessary removed
- Information on the location and condition of the material is given to anyone potentially at risk – such information being contained in both a central database and in the form of an Asbestos Register for each and every premise
- Maintains emergency procedures to be invoked in the unlikely event of an unplanned release of asbestos fibres

2. CONTEXT

- 2.1 When materials that contain asbestos are disturbed or damaged, fibres are released into the air. When these fibres are inhaled they can cause serious diseases. These diseases will not have an effect immediately and it is often too late to do anything by the time an asbestos related disease is diagnosed.
- 2.2 *The Control of Asbestos Regulations 2012* and its Approved Code of Practice (ACoP) L143, provides guidance for employers about work which disturbs, or is likely to disturb, asbestos, asbestos sampling and laboratory analysis. It also provides guidance on the specific duty to manage asbestos on the owners and/or those responsible for maintenance in non-domestic premises. The Regulations set out legal duties and the ACOP and guidance give practical advice on how to comply with those requirements. There are requirements for certain types of non-licensable work with asbestos on notification of work; designating areas where there is work on asbestos; medical surveillance and record keeping.
- 2.3 The law identifies the dutyholder as the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises through an explicit agreement such as a tenancy agreement or contract.
- 2.4 Devon County Council, as the duty holder and having responsibilities for employees, clients, and others, is committed to providing a safe environment that is free from all reasonably foreseeable and significant risks to our employees and those affected by our activities. This policy and guidance supports the Devon Health, Safety and Wellbeing Policy with information enabling the effective management of asbestos containing materials in compliance with the *Control of Asbestos Regulations 2012*.

3. IMPLEMENTATION

- 3.1 This policy applies to all Services within Devon County Council but will be supplemented by service procedures and guidance which set out specific detail relating to service needs.
- 3.2 Services will be provided with a Management Plan tool-kit to support them in implementing and integrating this policy into their working practices. Alternatively, services may use their own procedures but they must be able to

demonstrate that they are meeting the requirements of this policy and all legal requirements.

3.3 The standards that form part of this policy will be used to monitor service practices and the management of asbestos management issues.

3.4 Services should ensure that those with responsibilities under this policy:

- Are trained to an appropriate level
- Have access to competent advice and support
- Have access to the resources necessary to meet the issues identified with this policy and the associated implementation plan requirements
- Have sufficient time allocated to carry out the necessary tasks associated with this policy

4. RESPONSIBILITIES

4.1 The Chief Executive, Strategic Directors and Heads of Service are responsible for ensuring that this policy is implemented and managed effectively in accordance with the Devon Health, Safety and Wellbeing Policy.

4.2 The Devon Health and Safety Panel are responsible for the development of this policy and for monitoring its implementation.

4.3 Managers and supervisors at all levels are directly responsible for ensuring this policy is known and acted upon. This accountability cannot be discharged by delegation.

4.4 Responsibility for various aspects of asbestos safety within council premises may depend on the type of establishment but will generally be within the role of the Premises Manager.

4.5 A key responsibility is to establish an asbestos management plan. The essential elements of such a plan are laid out under Regulation 4, “the duty to manage non-domestic premises” of the *Control of Asbestos Regulations 2012* and are:

- Take reasonable steps to find materials likely to contain asbestos
- Presume materials contain asbestos unless there is strong evidence to suppose they do not
- Assess the risk of the likelihood of anyone being exposed to asbestos from these materials
- Make a written record of the location and the condition of the ACMs and presumed ACMs and keep it up to date
- Repair or remove any materials that contain or are presumed to contain asbestos if necessary because of the likelihood of disturbance and its location or condition
- Prepare a plan to manage that risk and put it into effect to ensure that:
 - information on the location and condition of ACMs is given to people who may disturb them during work activities

- any material known or presumed to contain asbestos is kept in a good state of repair
- Monitor the condition of ACMs and presumed ACMs
- Review and monitor the action plan and the arrangements made to put it in place

4.6 All employees must:

- Take care of their own health and safety and that of others who may be affected by what they do, or fail to do, at work
- Follow precautions identified in specific arrangements, method statements and risk assessments relating to the management or removal of asbestos containing materials
- Follow procedures relating to asbestos management for their workplace
- Inform their line manager / supervisor of any concerns regarding the condition or vulnerability of asbestos containing materials
- Comply with the asbestos management arrangements of host organisations when visiting or working at their premises

5. AUDIT, MONITOR AND REVIEW

5.1 All services within Devon County Council must be able to demonstrate compliance with this policy in accordance with the DCC health and safety auditing procedures.

5.2 This includes providing confirmation on:

- How services have reviewed existing arrangements and carried out steps for implementation where necessary
- How those with responsibility for premises (establishment managers, head teachers, etc) are fulfilling their responsibilities
- How asbestos management plans for premises are being carried out incorporating the essential elements outlined in section 4.5
- How services are meeting the responsibilities outlined in section 4

6. EQUALITY STATEMENT

6.1 The Council will only commit to policies and practices which will eradicate discrimination and promote equality for all, regardless of age, gender, disability, religion and belief, race and ethnicity and sexual orientation.

6.2 This policy and related guidance has been the subject of an Equality Impact and Needs Assessment. This assessment will be integral to all future policy and guidance reviews.

7. REVIEW OF THE POLICY

7.1 The Devon Health and Safety Panel will review this policy every two years or sooner if changes are made to current legislation and the guidance.

POLICY HISTORY

| Policy Date | Summary of change | Contact | Implementation Date | Review Date |
|----------------|--|---|---------------------|----------------|
| December 2007 | New Policy | Devon H&S Service 01392 382027 | December 2007 | |
| July 2009 | Reformatted into correct layout and updated contact details only | Devon H&S Service 01392 382027 | July 2009 | July 2011 |
| September 2011 | Reviewed and minor textual changes to reflect DCC structural change | Devon H&S Service 01392 382027 | September 2011 | September 2013 |
| September 2013 | Reviewed minor textual changes and reformatting | Devon H&S Service 01392 382027 | September 2013 | September 2015 |
| September 2015 | Reviewed to reflect changes in the Control of Asbestos Regulations 2012 Wording amendments to bring in line with DCC policy | Devon H&S Service 01392 382027 | September 2015 | September 2017 |
| April 2016 | References to the Wellbeing@Work Service removed | Devon H&S Service 01392 382027 | September 2015 | September 2017 |
| | | | | |
| | | | | |
| | | | | |