

Management of Asbestos Estates Policy

Board library reference	Document author	Assured by	Review cycle
P031	Senior Estates Manager	Quality and Standards committee	3 years

This document is version controlled. The master copy is on Ourspace.

Once printed, this document could become out of date.

Check Ourspace for the latest version.

Contents

1. Introduction	3
2. Policy Statement	3
3. Purpose or Aim	3
4. Scope	3
5. Management of Asbestos to Achieve Policy Objectives	3
5.1 General Asbestos Management	3
5.2 Identification and assessment of risk	4
5.3 Building work involving asbestos	4
5.4 Action in the event of an asbestos-related incident	4
6. Roles and Responsibilities	5
6.1 Chief Executive	5
6.2 The Lead Director (Asbestos)	5
6.3 The Responsible Person (Asbestos)	5
6.4 Competent Persons (e.g. Asbestos Risk Assessor, Maintenance Technician or Contractor)	6
6.5 Specialist Asbestos Expertise and Advice	6
6.6 Maintenance Service Providers	6
6.7 IT Department Staff	7
6.8 Trust Managers	7
6.9 Project Managers (External)	7

Management of Asbestos Estates Policy

6.10	Designers, Suppliers and Installers.....	7
7.	Communication.....	8
8.	Standards	9
9.	Training.....	10
10.	Monitoring or Audit	10
11.	Definitions	11
11.1	The Trust	11
12.	Associated and Related Procedural Documents	11
13.	References.....	11

1. Introduction

Avon and Wiltshire Mental Health Partnership NHS Trust Estate is managed in accordance with relevant legislation and good healthcare estate management practice. This policy details the approach to management of asbestos in buildings. It should be read in conjunction with other Estate Management policies and procedures.

Up to the 1980s asbestos fibre materials were commonly used in building and insulation products, after which their use was reduced and is now discontinued. Materials containing asbestos fibres can release these into the air, usually when the asbestos-containing material (ACM) is disturbed. Inhalation of airborne asbestos fibres leads to increased risk of lung cancer and other illnesses. There are several types of asbestos, with differing levels of risk associated with them, but no acceptable types.

Asbestos-containing materials are typically managed by removal, sealing the surface, or simply leaving undisturbed, depending on the ability of the surface to release fibres.

2. Policy Statement

In order to meet statutory requirements, Trust objectives, healthcare requirements and best practice, the Trust will:

- Comply with statutory requirements for management of asbestos in buildings
- Comply with best practice taken from ACOP L127 (The management of asbestos in non-domestic premises) & L143 (Work with materials containing asbestos) and relevant updates when they are made available
- Comply with best practice from healthcare guidance (e.g. HTMs)

3. Purpose or Aim

The Trust has a statutory requirement to safely manage asbestos which exists in its buildings. This policy references key legislation and guidance, and states how the Trust ensures that it is working within these. It identifies responsibilities and assigns them to specific postholders within the Trust. It also establishes procedures which are used to discharge these responsibilities and manage the key risk areas.

4. Scope

The statutory requirements addressed in this policy apply to all the Trust's sites where there is a risk to any employee, service user, or member of public. This also applies to Trust activities on shared sites, where the Trust has a duty to ensure safe systems are in place. The Trust's duties also extend to people in the surrounding neighbourhood who might be inadvertently exposed to risks due to the activities of the Trust.

This policy applies to sites used by the Trust for carrying out its activities. It addresses the management of risks of harmful exposure to asbestos which may be on those sites.

The policy should be read in conjunction with relevant legislation and NHS guidance, and is not intended to be taken on its own as statement of Trust or individual responsibilities.

5. Management of Asbestos to Achieve Policy Objectives

5.1 General Asbestos Management

To achieve the policy objectives, the Trust will ensure that:

- Premises and Trust activities are compliant with current asbestos-related legislation and guidance, and that the Trust is updated on relevant changes to regulations

Management of Asbestos Estates Policy

- Policy is in place to ensure management of asbestos, and that it is implemented, operated on ongoing basis, and updated at relevant intervals
- Key persons are appointed in accordance with this policy
- Relevant Trust staff and other persons, particularly those with roles identified in this document, are suitably trained to ensure competence for their duties
- Risk assessments and written scheme/s are maintained for Trust premises
- Clear lines of communication are in place for both routine management and foreseeable incidents
- Relevant contractors and consultants are included and appointed in accordance with this policy, and made aware of its implications
- The required records are kept in accordance with legislation on asbestos management, its removal, and disposal.
- Action plans are in place to address unacceptable risks, and progressed to completion.

5.2 Identification and assessment of risk

The Trust will ensure that an asbestos register is maintained for each premise, containing identification of likely or known locations of asbestos, an assessment of risks, and the approach to management of those risks. The surveys will be carried out in accordance with legislation and relevant ACOPs. This will be reviewed annually, and update information added whenever changes occur, e.g. at building refurbishment.

The Trust will devise and carry out action plans to eliminate unacceptable risks identified in the risk assessments, and to reduce risks where reasonably possible.

The Trust will also maintain an operational plan detailing how residual risks are managed.

Where asbestos is found that would require a license or HSE notification for work, serious consideration will be given to removal by a licensed contractor in a planned manner.

5.3 Building work involving asbestos

The Control of Asbestos Regulations 2012 categorises work involving asbestos into three broad areas.

- Work that must be carried out by HSE-licensed contractors
- Non-licensed work
- Notifiable non-licensed work

AWP will carry out these works in line with HSE guidance, noting the decision flow chart in HSE publication Asbestos Essentials A0 for categorising works, and noting the 1-hour total worktime limit for non-licensed work. If suitably trained non-licensed staff are not available, non-licensed work will be carried out by licensed contractors.

5.4 Action in the event of an asbestos-related incident

In the event of an incident involving asbestos, the communication network as detailed below in Section 7 will be used. The Responsible Person and relevant Deputies will liaise to identify any immediate actions which should be taken. This could include:

- Ceasing certain works, but continuing other work in the area
- Ceasing all works until the extent of the problem is known
- Evacuating the area immediately
- Closing and preventing access to the area

The Responsible Person will liaise with relevant Deputies and any Project Manager appointed to deal with the problem, ensuring responsibilities and communication lines are clear. They will:

- identify the problem/s, including tests where appropriate
- identify options for solution, such as removal or encapsulation of any asbestos containing material, or prohibiting invasive work or access to specific areas
- formulate an action plan with timescales
- identify options for minimisation of risk while remedies are put in place
- report progress
- report the incident as per the Incident Management Policy.

Where it is necessary to liaise with Trust Service Managers, the Responsible Person will ensure that it is clear who is to do this.

The Responsible Person will also report to the Lead Director, identifying any resourcing issues which may require attention.

6. Roles and Responsibilities

6.1 Chief Executive

The Chief Executive has ultimate management responsibility for the safe operation of this policy. The Chief Executive is responsible for:

- Ensuring there are clear policy and procedures to prevent and control exposure to Asbestos.
- Ensuring that resources are made available to implement and maintain procedures under the policy. Management of this is delegated to the Lead Director (Asbestos)
- Appointing the Lead Director (Asbestos). This is normally the Director who has responsibility for the Estates service.
- Appointing the Responsible Person (Asbestos). This responsibility is delegated to the Lead Director.

6.2 The Lead Director (Asbestos)

The Lead Director has overall responsibility for enforcing this policy, and providing assurance to the Board on this area. The Lead Director is responsible for:

- Reporting to the Board at least annually on the management of Asbestos against Trust policy, and actions taken to remedy any significant risks arising
- Appointing the Responsible Person (Asbestos). This can be either by specific appointment, or as a specific part of a job description.
- Ensuring that resources are made available within the Trust to the Responsible Person for implementing and maintaining the systems described in this policy.

6.3 The Responsible Person (Asbestos)

The Responsible Person will be a person suitably trained and experienced in the management of asbestos in buildings.

The Responsible Person (Asbestos) is responsible for ensuring that arrangements are in place to keep the Trust compliant with all of its commitments under Section 2 above. He/she is expected to take specialist advice, both in-house and external, where necessary.

The Responsible Person will also:

Management of Asbestos Estates Policy

- advise the Lead Director on the potential areas of unacceptable risk, with recommendations for reducing the risk to the minimum acceptable level
- advise the Lead Director on buildings or activities which do not comply with legislation, with recommendations for eliminating non-compliance
- provide advice to Trust staff as required on the necessary continuing procedures for compliance.

6.4 Competent Persons (e.g. Asbestos Risk Assessor, Maintenance Technician or Contractor)

Any individual who is to carry out duties in buildings which may expose themselves or others to asbestos safety issues will have sufficient experience, training and knowledge to carry out those duties. In carrying out their tasks the responsibility of competent persons is to:

- Comply with this Policy when carrying out work whether instructions are issued orally or in writing.
- Use safe methods of work, safe means of access and personal protective equipment in accordance with Trust estates policies and legislation.
- Ensure that any non-conformances on site are reported using the communication lines in this policy, and any other communication system that may be in place (e.g. to supervisor or Trust site staff).
- Submit records of their work as required by procedures associated with this policy, including a record of any corrective action taken for non-conformances.
- Where the permit-to-work procedure applies, comply with the procedure and with the specific permit-to-work as issued.

6.5 Specialist Asbestos Expertise and Advice

Where expertise on certain aspects of the management of asbestos is not available in the Trust, it will be drawn from outside, for example, from consultants. The person or persons appointed as above will take all reasonable steps to ensure the competence of those carrying out the work.

Where a range of expertise not possessed by a single person is required, it may be necessary to engage a number of people to carry out the work. In such circumstances, responsibilities and lines of communication must be properly ascertained and clearly laid down by the person or persons appointed under points 6.2 to 6.5.

Asbestos risk assessments or removals will be carried out by specialists who must be licensed or accredited in accordance with current Asbestos or Environmental and Waste management legislation.

6.6 Maintenance Service Providers

The Trust requires all Maintenance Service Provider organisations to manage Asbestos risks in the Trust's properties for which their organisation has responsibility in accordance with this policy and with legislation, particularly:

- The Control of Asbestos Regulations
- Hazardous Waste Regulations, and
- The ACOP (The Management of Asbestos in Non-Domestic premises) L127.

The maintainers are responsible for developing and issuing such Safe Systems of Work as are necessary for the safe management of asbestos in relation to their activities.

6.7 IT Department Staff

All IT department staff who are involved with managing or carrying out site installation of cabling or other works which may have asbestos safety implications, will be trained to the required level of competence for their work. They will carry out their work as competent persons (see 6.4), and will make use of the asbestos register for buildings when necessary.

IT department staff appointing contractors are responsible for ensuring that the contractors are competent, including with regard to asbestos safety. They are also responsible for ensuring contractors avail themselves of safety information where appropriate, including the site asbestos register.

6.8 Trust Managers

All managers have a duty to ensure that for buildings used by their service that staff, service users, or public under their management are not exposed to asbestos. Trust buildings constructed since 2000 have no asbestos risk. For other trust premises this is achieved by:

- ensuring that areas marked as inaccessible due to asbestos risk are not accessed, except by competent persons who are aware of the risks identified
- ensuring that persons carrying out activities where asbestos may be disturbed are competent persons who are aware of the risks identified
- advising Maintenance or Trust Estates before undertaking any activities which are likely to disturb identified asbestos-containing materials, e.g. by damaging parts of the building where asbestos may be present.

6.9 Project Managers (External)

Project Managers will ensure that:

- appropriate contracts are in place to ensure compliance with asbestos-related statutory requirements and this policy.
- records of asbestos management in projects are held and available to the Trust in compliance with the necessary law (minimum 6 years).
- contractors carrying out works which may have an asbestos safety implication are advised where the asbestos register is held, and are placed in contact with the Maintenance Service Provider, so that both may discharge their responsibilities related to safe working. At the latest, this will be at the pre-contract meeting.
- Operations and Maintenance manuals (O&M) and H&S files and other handover information relevant to asbestos are complete and compliant prior to handover, taking specialist advice where necessary. Where handover is essential for other safety reasons, but formal documentation related to this policy is not available at handover, the Responsible Person is to approve the approach proposed for supply of documentation. This must be compliant with the principles of this policy and have agreed timescales.

Trust internal Project Managers will be assumed to have a non-technical role and will not carry the above responsibilities (unless otherwise agreed for specific projects).

6.10 Designers, Suppliers and Installers

Organisations and individuals designing, supplying or installing buildings or building components and systems for the Trust should note the Trust policy as they are required to comply with it, in addition to all relevant statutory requirements. In particular they must:

- Consider whether the proposed works could have asbestos safety implications
- If so, contact the maintenance provider for their records (Asbestos register)

Management of Asbestos Estates Policy

- If the asbestos register provides inconclusive information, and minor works only are proposed, commission a Type 2 (Sampling) Survey.
- If major works are proposed, commission a Type 3 (Invasive) Survey, to be applied as a minimum to areas receiving invasive work.
- Ensure that any asbestos within the contract area is safely managed or removed.
- Ensure that all new information on asbestos status, its removal, and disposal, is passed with relevant documentation to the maintenance service provider for updating of the asbestos register.
- Certify that the design and the commissioned installation is compliant with legislation. It is also to comply with the guidance and best practice outlined in this policy and any details agreed during the design/installation process with the Trust. This must be in place before handover.

7. Communication

When significant adverse incidents or risks arise related to asbestos, which are outside the realms of normal operational management, the diagram below still applies, but the following must take place in relation to the specific incident:

- Liaison between Responsible person and any manager or contractor appointed to deal with the problem, identifying options, action plan with timescales, and reporting progress.
- Responsible Person to report to Lead Director, identifying any issues which may require attention.
- Responsible Person to instruct use of outside expertise if appropriate for advice and control of the asbestos
- The incident is to be reported as per the Incident Management Policy

When significant issues arise related to non-compliance against this policy, creating a risk to Trust business, albeit without known Asbestos exposure risks, the diagram below still applies, but the following must take place in relation to the specific issue:

- The Responsible Person will ensure that the concerned individuals are formally reminded of their responsibilities
- Liaison between Responsible person and Deputies and any Project Manager appointed to deal with the problem, identifying options, action plan with timescales, and reporting progress.
- The Responsible Person will apply if appropriate any safeguarding mechanisms which may be in place (e.g. rights to engage independent advice or appoint others).

Under normal operational circumstances, communication will be as shown in the diagram below.

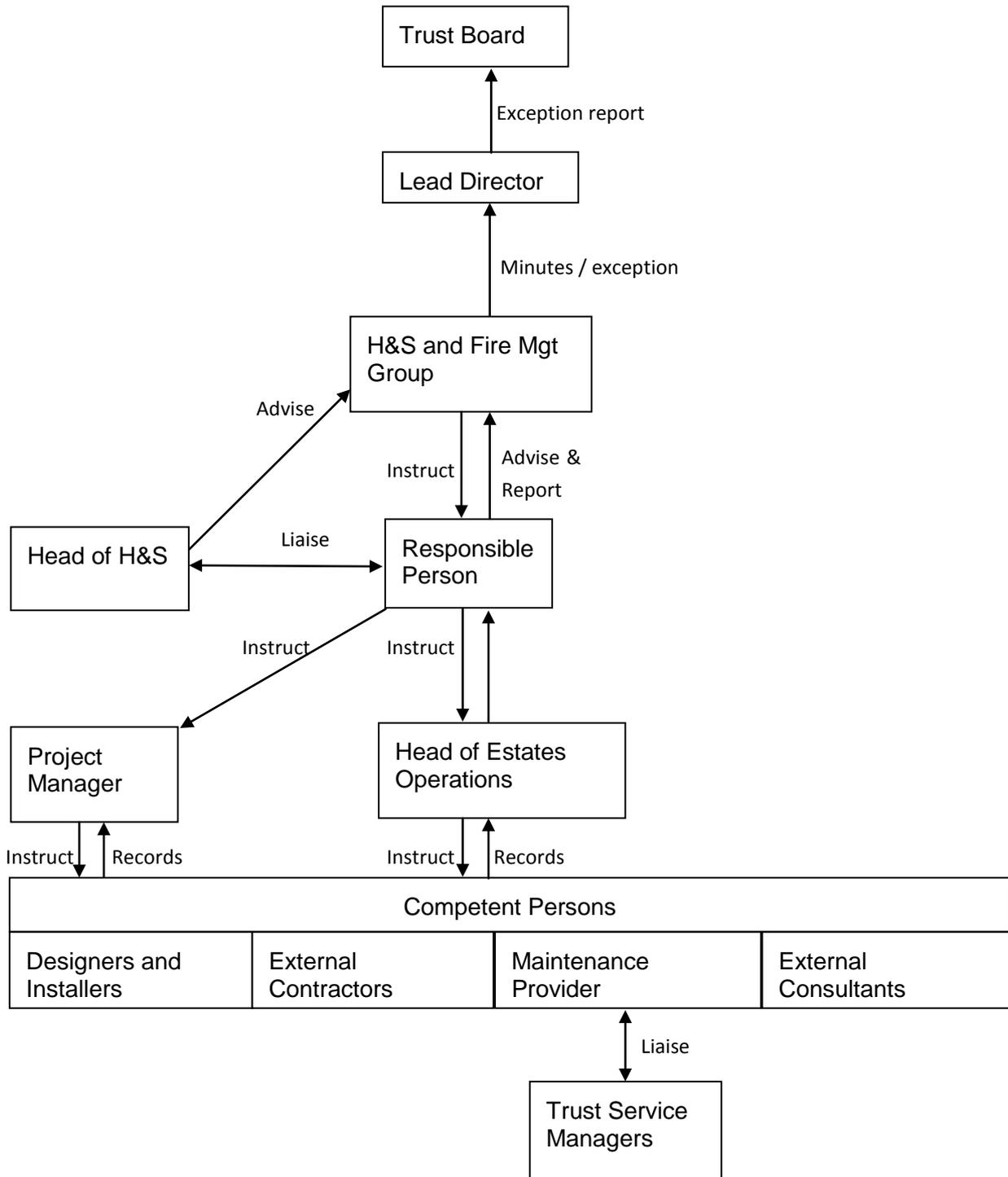


Diagram 1: Asbestos management communication lines

8. Standards

Key legislative documents in relation to asbestos are:

- The Control of Asbestos Regulations 2012
- Managing and working with Asbestos ACoP L143
- Hazardous Waste Regulations

Management of Asbestos Estates Policy

- Construction (Design and Management) Regulations (CDM)

The policy is also relevant to how the Trust manages some of its responsibilities under legislation such as:

- Health and Safety at Work Act
- Management of Health and Safety at Work Regulations
- Control of Substances Hazardous to Health (COSHH) Regulations

9. Training

The Trust's overarching policy for training is the Learning and Development Policy and this should be read in conjunction with this policy. Attached as appendices to that policy are the Trust's learning and development matrices. These matrices describe the minimum statutory, mandatory and required training for all staff groups.

The Learning and Development Policy also describes the Trust's arrangements for training, in particular how there are processes in place to ensure staff receive the training they require and how non-attendance is followed up. These arrangements are further supported by management supervision and appraisal processes.

When the Trust appoints a contractor or has service level agreements in place it will specify an appropriate level of competence and, so far as is reasonable and practicable, ensure that a check is made on the competence of trades persons.

10. Monitoring or Audit

The Trust has monitoring and audit processes to ensure the ongoing compliance with this policy.

- The Responsible Person will ensure that annual reviews of building Asbestos Registers are undertaken.
- The Responsible Person will ensure that the Trust receives regular reports from the Deputy Responsible Persons (Maintenance Provider), at least quarterly, in which asbestos management is included, indicating the level of compliance.
- The Head of Estates Operations will oversee and submit an annual audit of compliance of Trust systems applicable to each premise, including asbestos management. The audit shall be random and cover the full scope of the system, inspecting at least 5% approximately of all documentation Trustwide. This will be done on a planned annual programme.
- The persons appointed under section 6 shall ensure that appropriate records are kept in accordance with statutory requirements and the requirements of this policy, for at least 6 years. For clarity, the general nature of some of these records, and the person whose role it is to ensure they exist and are kept, are listed below.

Record type	Kept by
Appointments under this policy	Responsible Person
Survey, risk assessment and management plan (Asbestos Register)	Head of Estates Operations
Asbestos register – site copy	On site, Maintenance Provider
Asbestos-related O&M, H&S information	On site, Maintenance Provider
Remedial work and disposal records	On site, Maintenance Provider

Audits of compliance	Head of Estates Operations
Incident management action plans	Responsible Person

11. Definitions

11.1 The Trust

This means Avon & Wiltshire Mental Health Partnership NHS Trust. However, in the context of asbestos management it should be noted that the Trust may sub-contract certain responsibilities such as maintenance generally, and asbestos risk assessments generally. Some responsibilities identified as Trust responsibilities under this policy may therefore lie contractually with other organisations. These contracts will change from time to time, and this policy seeks to be clear that the ultimate responsibility lies with the Trust to have appropriate arrangements in place and to ensure that it appoints competent contractors.

12. Associated and Related Procedural Documents

- Health and Safety Policy.
- Incident Management Policy

13. References

Guidance documentation related to asbestos management includes:

- Approved code of Practice – Managing and working with Asbestos L143
- A Comprehensive Guide To Managing Asbestos In Premises (HSE Books)
- HSE Asbestos Essentials A0 – Advice on non-licensed work with asbestos
- HSE Asbestos Essentials EM1 – Non-licensed tasks - What to do if you uncover or damage materials that may contain asbestos
- HSE Asbestos Essentials EM2 – Non-licensed tasks - Training

Version History				
Version	Date	Revision description	Editor	Status
1.0	07/03/2008	Approved by the Board on 26 March 2008	Senior Estates Manager	Approved
2.0	04/05/2010	Approved by Quality & Healthcare Governance Committee	Senior Estates Manager	Approved
3.0	7 May 2014	Approved by the Quality and Standards Committee	NW/PAD	Approved
4.0	08 June 2017	Administrative update	Head of Estates Operations	Approved