**Royal Borough Windsor and Maidenhead**

**Corporate Asbestos Management Policy**

**2022/23**

**“Creating a sustainable borough of innovation and opportunity”**

**Our vision is framed around three key objectives:**

***Thriving Communities****: Where families and individuals are empowered to achieve their ambitions and fulfil their potential.*

***Inspiring Places****: Supporting the borough’s future prosperity and sustainability.*

***A Council trusted to deliver its promises***

**CONTENTS**

|  |  |  |
| --- | --- | --- |
| **Section** |  |  **Page** |
| 1 | Policy statement | 4 |
| 2 | Summary page including :Types of asbestosLegal requirements | 556 |
| 3 | RBWM Asbestos Policy | 7 |
| 4 | Information, Instruction and Training | 8 |
| 5 | Key Responsibilities Flow Chart | 9 |
| 6 | Main Roles and Responsibilities | 10 |

**Frequently used acronyms**

* CLT corporate leadership team
* COPs code of practice
* SOP standard operating procedures

**1. Policy Statement**

The Royal Borough of Windsor & Maidenhead recognises and accepts the duty of care placed upon them by legislation, as well as their moral responsibility to maintain, manage, and operate the buildings under their control, with all reasonable and practicable measures to prevent the risk of exposure to Asbestos Containing Materials (ACMs) by staff, visitors or members of the public as a result of their operations.

**2. SUMMARY PAGE**

**Introduction**

For many years, products containing asbestos have been extensively used for a

range of applications in a variety of locations. Whilst the use of asbestos is now

banned in the UK, asbestos containing materials (ACM’s) are still present in a

number of locations within the Council’s corporate and departmental building

portfolio including operational buildings, leisure facilities and schools.

**Level of Risk**

In situ, most asbestos products pose negligible risk, with its condition regularly monitored through a rigorous risk assessment process. It will only require

attention (typically via sealing or removal) if its condition deteriorates, or if

maintenance or renovation works were pending that would disturb the asbestos.

**Types of Asbestos**

Asbestos is a naturally occurring mineral and products containing asbestos have

been used for many years in a whole range of applications and locations including

industrial, commercial and domestic premises. It has typically been used for thermal

and sound insulation, fire protection or as a component of structural finishes, such as

in walls and ceilings.

The three types of asbestos most commonly used:

 Amosite (Brown)

 Crocidolite (Blue)

 Chrysotile (White)

In many cases the presence of asbestos is not known until it is exposed through

wear, through structural damage or during development work. Whilst the use of all

forms of asbestos has now been banned in the UK, a great deal of asbestos is still in

situ from previous installations.

Persons now considered to be most at risk from asbestos are those involved in

building renovation and maintenance work, such as plumbers, gas fitters, carpenters

and electricians.

In many cases, asbestos in situ poses little risk and should only be treated or

removed if its condition deteriorates or remedial / renovation works are required.

The key to successful management of asbestos is to identify locations and forms of

asbestos, monitor its condition and take the appropriate remedial action as and when

required.

**Legal Requirements**

Under the **Health and Safety at Work etc. Act 1974,** employers have duties to

ensure, as far as is reasonably practicable, the health, safety and welfare of

employees and the health and safety of others that maybe affected by the employers

undertaking.

These duties are extended more specifically with regard to asbestos by the following

legislation:

**Control of Asbestos Regulations 2012 (CAR)** – these revoke and replace previous

regulations covering the prohibition of asbestos, the control of asbestos at work and

asbestos licensing. CAR prohibits the importation, supply and use of all forms of asbestos including a ban on the second-hand use of asbestos products and includes the ‘Duty to Manage’ asbestos in non-domestic premises and the licensing

requirements for work with asbestos containing materials.

**Construction (Design and Management) Regulations 2015 (CDM);**

CDM requires arrangements to be in place to deal with asbestos during construction

work, including refurbishment and demolition. Where construction or building work is to be carried out and asbestos has been positively identified in areas relative to the work, asbestos will be removed as part of that project. In all cases LBM as the CDM client must provide designers and contractors who are bidding for the work (or who they intend to engage) with project specific information about the presence of asbestos, so that the risks associated with design and construction work, including demolition, can be addressed.

It is not acceptable to make general reference to hazards that may exist. Therefore

site-specific asbestos surveys should be carried out in advance of construction work

to make sure that the information is available to those who need it.

**Hazardous Waste (England & Wales) Regulations 2005,** aim to ensure that

hazardous wastes are properly managed from their production to their final

destination.

**Workplace (Health, Safety and Welfare) Regulations 1992 -** require employers to

maintain workplace buildings to protect occupants and workers.

**School Premises (England) Regulations 2012** – require Local Authority

maintained school premises and the accommodation and facilities provided therein

must be maintained to a standard which ensures the health, safety and welfare of

pupils, so far is as reasonably practicable

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**Education (Independent School Standards) (England) Regulations 2012** require

independent school premises and the accommodation and facilities provided therein

must be maintained to a standard which ensures the health, safety and welfare of

pupils, so far is as reasonably practicable.

1. **RBWM Asbestos Policy**

This policy covers all properties owned, managed or maintained by the council and

includes all operational buildings e.g., offices, libraries, day centres, schools and

other educational establishments, leisure and green space properties, transport

depot and workshops and premises leased to third parties. Non-operational

properties are also included in this policy where RBWM is the landlord or owner under tenancy, lease or other agreements as determined by Regulation 4 of the Control of Asbestos Regulations 2012.

This policy is based on approved codes of practice and guidance published by the

Health and Safety Executive (HSE). Including:

 **L143** Managing and working with asbestos. Control of Asbestos Regulations

2012. Approved Code of Practice and guidance

 **HSG 264** Asbestos: The survey guide

 **HSG 227** A comprehensive guide to Managing Asbestos in Premises

 **HSG 210** Asbestos essentials. A task manual for building, maintenance and

allied trades on non-licensed asbestos work

 **HSG247** Asbestos: The licensed contractors’ guide

 **HSG248** Asbestos: The analysts’ guide for sampling, analysis and clearance

procedures

 **L25** Personal protective equipment at work

 **HSG53** Respiratory protective equipment at work: A practical guide

These approved codes of practice and guidance must be used in conjunction with

this policy and must be complied with in their entirety

**NOTE:** The above is not an exhaustive list and all the guides can be accessed and

downloaded free from: www.hse.gov.uk. For guidance and advice, you should consult with the RBWM Health & Safety Team.

The Council is committed to ensuring that all asbestos and asbestos containing

Materials (ACM’s) present within all buildings owned, managed, or maintained by the Council are properly managed and controlled so that they will not present a risk to staff, clients, contractors, pupils, or members of the public.

In order to discharge the above the RBWM will:

* Prevent, as far as is reasonably practicable, exposure to asbestos
* Provide and maintain information on Asbestos Containing Materials (ACMs)including an asbestos register for all buildings owned, managed or maintained by RBWM.
* Implement an effective and positive asbestos management strategy, based on risk assessment, to ensure that all asbestos containing materials will be maintained in a sealed and safe condition; or isolated; or removed in accordance with on-going maintenance works.
* Appoint suitably qualified staff to oversee the management of Asbestos and Asbestos containing materials.
* CMT will ensure there are sufficient resources that can be used effectively to manage ACMs, in a planned and strategic manner.
* Freely provide information to those who need it on asbestos and asbestos containing materials.
* Promote awareness of asbestos and the Council’s Asbestos Management System.
* Maintain the momentum in development of expertise and best practice.
* Regularly review the Asbestos Management System and make amendments where necessary.
1. **Information, Instruction and Training**

RBWM staff and contractors

* All Staff and contractors involved in the use, maintenance or management of RBWM owned, managed and maintained premises, must be able to recognise asbestos-containing materials (ACMs) and know what to do if they come across them in order to protect themselves and others. As a minimum these persons must have attended an Asbestos Awareness course.
* Those who instruct, manage, or undertake works within RBWM-owned, managed and maintained premises are required to have a higher level of competence, such as Duty Holder and Appointed Persons training, suitably accredited by an appropriate body such as UKAS or BOHS.

Third party competency

Where asbestos in one or more premises is to be managed by third parties under a

lease agreement, demonstration of competency must be sought by RBWM prior to making this agreement. Third party competency may be demonstrated in the any of the following ways:

* The leaseholder can supply training documentation in line with their level of control over premises maintenance.
* Where the leaseholder does not hold the requisite level of qualification, confirmation that a competent UKAS accredited specialist will be engaged to undertake a survey and provide technical advice to the duty holder.
* Where the leaseholder does not hold the requisite level of qualification, arrangements are made for the leaseholder to make use of the Council’s contracted asbestos specialist and costs recharged to the leaseholder as

appropriate.

Further information

More detailed information on specific training requirements can be obtained by

contacting the RBWM Health & Safety team health.safety@rbwm.gov.uk

1. **Key Responsibilities**

 **Summary of Key Roles and Responsibilities**

The overall Council Duty Holder is the Chief Executive, responsible for

ensuring there are reasonable and practicable measures in place to

prevent the risk of exposure to Asbestos Containing Materials (ACMs),

roles are delegated as follows.

**Appointed Person:**

The Schools Health and Safety Adviser is the

Appointed Person, responsible for

setting the standards for compliance

across the organisation for

Asbestos Management.

**Designated Duty Holders:**

Person or Persons, who manage,

maintain or repair council buildings.

Responsible for cooperating with the

Appointed Person, following

Corporate policy, identifying and managing any Asbestos containing Materials, preparing an action plan, managing work on the premises under their control and making

information available to those who

require it.

**RBWM Health & Safety:**

RBWM Health & Safety are responsible for developing and implementing corporate Policy, providing advice and guidance, monitoring compliance and managing Schools Asbestos reviews.

**Employees:**

Responsible for being aware of the

presence of any Asbestos Containing Materials not interfering with any control measures to prevent exposure to ACMs and cooperating with the Duty Holder and Appointed Person.

**Property Services:**

Responsible for the management

of information on the council’s

central property database, the

Corporate Property Asset Register.

1. **Main Roles and Responsibilities**

***Designated Duty holder***

The Control of Asbestos Regulations 2012 includes the role of ‘Duty holder’. The

‘Duty holder’ is anyone responsible for maintaining and repairing all or part of a

property, or who has control of the building.

The duty to manage is placed on the person or organisation that has the main

responsibility for the maintenance or repair of each non-domestic premises and

common parts of domestic premises. The duty holder may be the owner or, were

there is an explicit written agreement, such as a tenancy agreement or contract, the

duty holder may be the occupier or the landlord, sub-lessor or managing agent. It

may also be the tenant. Where there is a tenancy agreement or contract, the extent

of the duty will depend on the nature of that agreement. In some circumstances the

duty to manage may be shared.

The duty to manage asbestos in premises leased to third parties is strictly dependent

on both the competency of the third party and the terms of the lease agreement in

relation to property management arrangements. It is the duty of RBWM as the property owner to seek documented assurance of competency, as defined above under section **(2) Information, Instruction and Training**, prior to assigning the duty to manage to a third party.

* If RBWM is assured of the leaseholder’s competency to undertake the duty to manage, **and** the duty is explicitly agreed in the leaseholder’s property management arrangements, it shall be the leaseholder’s responsibility to manage asbestos within the property.
* In all other cases, the duty to manage asbestos within the property will remain with RBWM.

***Note: In cases where the duty is incumbent on the leaseholder, the***

***departmental duty holder or appointed person for RBWM must have suitable***

***arrangements in place to ensure the tenant is undertaking the role of duty***

***holder and discharging that duty accordingly.***

**Change in Property Management Arrangements.**

During any review of property management or change of ownership, the review team

or individual council representative will become the duty holder and assume the

responsibility for ensuring the review complies with the requirements of the control of

Asbestos at Work regulations 2012.

This will include the appropriate consultation with the Appointed Person and any

other duty holders relevant to the review and subsequent management of the

property.

**Changes or termination of tenancy or contract.**

Where the terms of a tenancy or contract are altered or if the building becomes

vacant, the owner or leaseholder becomes the duty holder and must make sure all

relevant information on asbestos is passed on to any new occupier or tenant.

The requirements placed on ‘Duty Holders’ are as follows:

* Take reasonable steps to determine the location and assess the condition of materials likely to contain asbestos
* Presume materials contain asbestos, unless there is positive scientific evidence to prove they do not
* Assess the risk of the likelihood of anyone being exposed to asbestos from these materials
* Make and maintain a written record of the location and the condition of the ACMs and presumed ACMs.
* Manage, repair or remove any material that contains or is presumed to contain asbestos, if necessary, because of the likelihood of disturbance, and its location or condition
* Prepare an Asbestos Management plan setting out how the risks from the materials are to be managed and take the necessary steps to put the plan into action
* Put in place robust arrangements to provide information on the location and condition of ACMs to anyone who may disturb them during work activities
* Monitor the condition of ACMs and presumed ACMs and review and monitor the action plan and the arrangements made to put it in place
* Put in place procedures for dealing with accidents, incidents or emergencies with respect to any uncontrolled release of asbestos into the workplace

**Responsibilities of the designated Duty holder**

The ‘Duty holder’ is anyone responsible for maintaining and repairing all or part of a

property, or who has control of the building and they must;

* Determine the location and assess the condition of 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.
* Make a written record of the location and condition of the ACMs via the asbestos register kept by RBWM Property Services.
* Manage, repair or remove any material depending on the likelihood of disturbance, and its location or condition.
* Prepare an Asbestos Management plan setting out how the risks from the materials are to be managed in each premise under their control and take the necessary steps to put the plan into action.
* Make available and provide information on the location and condition of ACMs to anyone who may disturb them.
* Monitor the condition of ACMs and presumed ACMs.
* Review and monitor the action plan and arrangements at least annually.
* Put procedures in place for dealing with accidents, incidents and emergencies.
* Bring to the attention of the occupants of premises under their control the requirement of every person in that premises to cooperate with the duty holder so as to enable the duty holder to comply with the Control of Asbestos Regulations 2012
* Ensure they undertake all relevant training commensurate with the role of Designated Duty Holder as detailed in this policy.

**Delegating tasks**

The duty holders’ legal responsibilities cannot be delegated, but duty holders can

nominate others to undertake all, or part of, the work to assist in compliance with the

duties. Anyone, or any organisation, who is nominated must know exactly what it is

they have to do and must have the appropriate level of competency to do this work.

To help comply with the legal requirements and to ensure that Asbestos Containing

Materials (ACMs) in premises are properly managed, The Designated Duty holder

can also identify a suitably competent person as an **Appointed Person** who will be

responsible for the overall management of asbestos compliance. An appointed

person(s) is essential where there is a large and complex building portfolio.

The asbestos management survey data and information must be used to complete

an asbestos register for each building including building diagram(s) showing the

ACM locations. This information will also feed into the building risk assessment,

which will be used to develop the Asbestos management plan. The Duty Holder

needs to establish clear lines of responsibility for asbestos management and

implementation of the plan.

***Appointed Person***

**For RBWM the Appointed Person for compliance of Asbestos Management is the Schools Health and Safety Adviser**

The appointed person will need suitable and sufficient resources, skills, training and

authority to ensure that the ACMs are managed effectively. Part of their responsibilities will include managing asbestos compliance survey processes and

procedures, which includes contractual and reporting arrangements, quality and

subsequent use of the data. The Appointed person will coordinate with Departments

to nominate suitably competent persons to manage the information in relation to the

property portfolio under their control.

**Departmental Responsibilities**

All departments are responsible for ensuring that they comply with the Corporate

Asbestos Policy and the Control of Asbestos Regulations 2012 relating to all aspects

of the management of asbestos.

All information on asbestos must be maintained in the Council’s Property database

administrated by the Property Services Team. Departmental arrangements must include provision to collate and pass this information to the Property Services Team for inclusion to the register and to ensure all persons who need to access the information have that detail.

All departments are responsible for the drafting and revision of departmental

asbestos management arrangements and procedures and the allocation of roles and

responsibilities to individual employees to ensure those arrangements and

procedures are fully implemented.

All departments must provide the Appointed Person with the names,

qualifications and designation of all relevant duty holders or appointed persons

relevant to their department.

All departmental and corporate Managers will ensure that all works

undertaken on behalf of the client or RBWM in direct response to repairs and

maintenance are undertaken in compliance with this policy.

**Property Management and Review**

In addition to the above responsibilities, this section is responsible for ensuring that

all relevant and applicable information and documentation with respect to the

management of asbestos is collated and submitted to the Property Services Team for retention on the Corporate Property Asset Register.

**Corporate Facilities Management**

In addition to the general duties to manage Asbestos, Property Services are

responsible for the collation, management, administration, and maintenance of the

council’s Corporate Property Asset Register, which will be used to hold all

information on asbestos.