Asbestos Control and Management Compliance Code P602

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1.0 Introduction

1.1 What is asbestos?

Asbestos is a naturally occurring fibrous mineral silicate. It was widely used between 1950 and 1980 though some types of asbestos continued to be used after this time. The use of all asbestos types was finally banned in 1999 and so any structures built from 2000 onwards should not contain asbestos containing materials (ACMs). It was used for many purposes in building construction such as noise and thermal insulation, and as a fire resistant material due to its physical and chemical properties and low cost. Asbestos Containing Materials (ACMs) are therefore likely to be present in a large number of NCC buildings. It was most widely used in:

- Ceiling and floor tiles and artex finishes
- Equipment and vehicle parts
- Spray coatings on steel work, concrete walls and ceilings
- Insulation lagging on pipe work and boilers
- Roof sheeting, gutters and pipes
- Fire resisting structures such as fire doors (e.g. asbestos boards fixed to or sandwiched within doors) and wall partitions

1.2 What are the dangers?

Asbestos is the biggest single occupational health issue in the UK. Known ill health effects include:

- Asbestosis (irreversible scarring of the lungs)
- Asbestos related lung cancer
- Mesothelioma (cancer of the lining of the lungs or stomach)
- Pleural plaques (localised scarring and thickening of the pleura) and pleural thickening (extensive thickening of the pleura)

Breathing in air containing asbestos fibres may lead to the development of one of these asbestos related diseases. Asbestos fibres are so small they cannot be seen by the naked eye. Diseases resulting from exposure can take between 15 and 60 years to develop.

Exposure does not mean that disease will inevitably occur but as a safe threshold for these diseases has not been found, exposure should be avoided altogether. However it is very unlikely that single or repeated low-level exposures will lead to asbestos related diseases. High exposures for long periods are more clearly linked to these diseases.

Wherever ACMs are located there is a potential for exposure if asbestos fibres are released. Fibre release is most likely to occur if ACMs are disturbed and/or damaged. The level of fibre release is dependant upon the type and composition of the ACM and the extent of any damage. Those most likely to be exposed to asbestos fibres are workers engaged in maintenance, decoration and repair work. Specifically, care must be taken when:

- Undertaking general construction and maintenance work
- Stripping out old insulation, removing internal walls, textured paints, plasters and ceiling tiles containing asbestos.

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- Undertaking demolition and clearance of sites
- Routine installation, repair and maintenance work by plumbers, electricians, carpenters, caretakers and other trades people takes place
- Excavating contaminated ground
- Handling items in museum collections containing asbestos, including those used in school for pupil learning. (There is separate guidance on these items)
- Maintaining vehicles e.g. removal of brake pads and clutch linings
- Installing IT networks

The responsibility to manage ACMs in an appropriate manner is a shared one. The School, through its management structure, should have allocated specific responsibilities and functions to designated employees to manage and control the risk. Responsibilities also lie with contractors and others who may also work in or use our premises. This compliance code outlines the detail of all these responsibilities.

It is important to note that since changes to insurance cover in 1993, a 'latent disease' such as one resulting from exposure to asbestos is classed as an uninsurable loss and cannot be offset against Employers or Public Liability Insurance. Therefore any civil claim for exposure after this change in insurance policy would have to be met directly from school funds.

2.0 The requirement to manage asbestos

Due to the health effects associated with asbestos, all work with ACMs is regulated and controlled. The primary objective is to manage asbestos risks in premises to prevent exposure or reduce it as far as is reasonably practicable. In order to do this there are specific requirements placed on the school and its employees. These are:

- Take reasonable steps to find materials likely to contain asbestos within our premises;
- Presume materials contain asbestos, unless there is strong evidence to suppose they do not;
- Assess the likelihood and the risk 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 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 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; and
- Review and monitor the action plan and any arrangements identified as necessary for its implementation

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- Provide relevant training to those staff with a role in ensuring ACMs are properly managed

The definition of premises is a wide one and includes structures other than buildings such as roads, culverts and bridges.

The requirement to undertake an assessment of the risks also covers planned work involving asbestos. In such cases a risk assessment must be undertaken before the work commences. A plan of work must be produced detailing how the work is to be carried out and exposure to asbestos prevented or reduced to as low a level as is reasonably practicable.

Employees must not knowingly undertake work with or on ACMs. Further details are provided in this document.

Please note that separate guidance on the management of objects and artefacts containing asbestos is available. Where applicable schools should familiarise themselves with the advice in this guidance.

3.0 Responsibilities to manage asbestos in School premises

3.1 The Council

For Local Authority schools, the Council is the employer and therefore the duty holder under the legislation. The Managing Director is ultimately responsible for ensuring the legal responsibilities of the council are carried out through the management structure of the organisation.

Note though; in the case of foundation schools and voluntary aided schools the governing body or diocese is the employer. In the case of academies, the trust board is the employer. They are therefore responsible for ensuring the legal responsibilities are carried out.

3.2 Headteachers or any other persons with management responsibility for a school. (In some academy trusts, this responsibility may be undertaken by the Finance or Business Manager).

- Ensure this compliance code is implemented in premises for which they have overall responsibility.
- Ensure that nominated premises managers are in place and receive the relevant training as outlined in this compliance code.
- Ensure that an appropriate asbestos management plan is produced and implemented.
- Ensure that all employees and occupiers of buildings they control are made aware of the findings of the asbestos register, the asbestos management plan and the dangers of asbestos.
- Ensure that prior to any construction and redevelopment work, consideration is given to whether the building remains occupied during the planned works.

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Serious reflection concerning the cost of not moving people (morale, well-being, increased project time etc.) must form part of this process. Notifying employees and any lettings users of any intended works which relate to possible disturbance of ACMs. The outcomes of such consideration must be documented as part of the project plan.

- Ensure the appropriate information regarding exposure to asbestos is kept on employee files and/or pupil records
- Ensure all such files/records are retained in line with current legislative requirements (these are outlined in section 10.5).
- Ensure that where employing staff whose function/role means there is the potential they might disturb hidden/unknown ACMs (e.g. during building maintenance/repairs, ICT installations etc):
  - Relevant staff have an appropriate level of knowledge and understanding of asbestos risks including as appropriate training as outlined in section 4
  - An appropriate level of asbestos surveying takes place to detect any potentially hidden ACMs, prior to any invasive works beginning. See section 5 on surveying requirements
  - Additional surveys are commissioned through, and any subsequent works that will impact on ACMs are carried out by, a competent contractor, having first considered whether this work can be done in a different way
  - No work is carried out by school staff on known or presumed ACMs (including where there is the potential for hidden, unknown ACMs to be impacted upon)

In practice these responsibilities may be carried out through directing others within the management chain of their school. However, headteachers (or the appropriate manager appointed by a trust) remain ultimately responsible and therefore need to actively monitor that the required actions are being undertaken on their behalf.

3.3 Additional responsibilities of headteachers of schools that are not members of the Building Maintenance Partnership – Maintenance for Schools scheme (known as the BMP), or any other manager where works have been procured other than via NPS

- Ensure proper approval of any contractors appointed takes place using the Procurement Guidance and Commissioning Compliance Code (P605). This must include checks being made on the asbestos training provided to their staff
- Where construction work is commissioned without utilising NPS' services, headteachers must ensure that only appropriate asbestos contractors are employed to undertake work involving ACMs. Further information is given in section 8
- Ensure the method statements of contractors they employ to undertake work involving ACMs are checked and agreed by a competent person such as somebody with a good understanding of safe working practices

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- Monitor contractor activities to ensure they are complying with their method statements and legal requirements.
- Be aware that mastic present in some older window frames (pre 1985) may contain asbestos and so you must assume that ACMs are present in older frames and ensure a survey is carried out prior to any refurbishment works.

Schools that are not members of the BMP must also ensure that effective action is taken following the discovery of any deterioration in the condition of asbestos material (see section 9).

3.4 School site managers/caretakers (where applicable) or any other person who is responsible for the management of premises

- Undertake the relevant premises management training as outlined in section 4.

- Ensure that prior to any invasive works commencing on the premises; consideration is given to whether a refurbishment and demolition survey is needed (see section 5 for further information on survey types)
- Notify NPS (or your appointed property surveyor) of all additions or modifications to the premises, or any significant changes in the use of all or part of the premises, as these may affect the risk assessment currently in place for the premises.
- Provide contractors with details of the asbestos survey report prior to commencing work and ensure they sign the form accompanying the register to confirm they have understood the contents.
- Produce an asbestos management plan for the premises as detailed in section 6.

- Ensure that the asbestos management plan is updated and appropriate action is taken following receipt or update of the asbestos register/risk assessment by NPS. This will mean ensuring that where the need for:
  - “protection and enclosure” for all risks of material;
  - “seal or encapsulate” for low risk material;
  - “restrict access” for all risks of material;

  has been identified, works are undertaken to comply with this.

  This will also mean studying the risk assessment to ensure it reflects building use as outlined in section 5.
- Ensure appropriate, effective monitoring systems and compliance checks for low and medium risk materials are in place, implemented and recorded to ensure that the remaining risks (as identified by you in your management plan) are being effectively managed:
  - Medium risk material: quarterly inspections
  - Low risk materials: six monthly inspections

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- Report to your property surveyor any deterioration in the condition of asbestos material noted as a result of inspection (Where the school is not in the BMP action regarding this must also be taken as described in 3.5).

- Ensure employees who use the premises are aware of the presence of ACMs and reporting procedure for concerns/issues.
- Monitor, as necessary, non-asbestos contractors to ensure they are not using methods that would compromise asbestos related safety.
- Ensure appropriate action is taken following discovery of damaged or suspected asbestos material as outlined in section 9.
- Where they become aware that contractors employed to undertake asbestos work (or any work, including that which might cause damage to ACMs) may be working in an unsafe manner they should **immediately** raise the issue with the contractors representative and inform a health and safety adviser and your property management company/surveyor (where involved in the employment of contractors).
- When providing information on asbestos at the planning stage of contracted works, information must be given on any asbestos identified in access routes to the work location that could be affected (e.g. by accidental damage) as well as the actual work location.
- Notify your property management company/surveyor of all proposals to undertake works that may involve ACMs so that advice can be sought as to the correct management process to take.
- Ensure appropriate statutory and documentary records are maintained as detailed in section 6.

3.5 Managers of premises where no asbestos has been identified

Some premises or parts of premises built pre 1999 may have had an asbestos survey carried out that did not identify the presence of any ACMs. Similarly, some premises where ACMs were identified may have subsequently had these removed, either because they presented a high risk or because the opportunity arose to do so as part of a wider programme of works.

However, it is important to note that even if no ACMs were identified (and detailed in the asbestos register); this does **not** mean the building is guaranteed to be asbestos free. Therefore, unless managers have confirmation from the architect or builder that no ACMs were used in the construction of the building; they should presume that ACMs are present. In these cases managers should:

- Ensure that prior to any maintenance work, additions or modifications to the premises, appropriate checks are made to determine whether additional surveying is required and if so, that any findings are actioned. See section 5 for further information on asbestos surveys
- Seek advice about any material they are concerned about and if necessary arrange for reassurance sampling and testing to be undertaken.

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3.6 All employees

- Familiarise themselves with the location of ACMs in their establishment base.
- Notify premises managers of any damage to known or suspected ACMs.
- Ensure that they are aware of the procedures to follow when contractors are working on the premises.
- Ensure that they are aware of the procedures to follow if they notice a change in condition of ACM or suspect an accidental release of asbestos (see section 7).
- Ensure they do not deliberately carry out any work or do anything to damage known or presumed ACMs or those that may be hidden within the fabric of the building
- Report any suspected unidentified ACMs to their line manager

3.7 NPS' additional specific responsibilities (academies can use this list of responsibilities to develop a specification when appointing their own property management company to oversee asbestos management)

- Overarching responsibility to manage the ACM control programme on behalf of NCC.
- Ensure NPS staff managing and involved in asbestos programmes, surveys etc are trained and competent in accordance with HSE requirements.
- Create and control a list of approved contractors for work involving asbestos, including those approved to carry out non-licensed asbestos work, e.g. work covered by 'Asbestos Essentials'
- Ensure asbestos removal contractors and analysts appear on the 24 hour call out list for emergency purposes
- Ensure all general contractors used by NPS are asbestos aware
- Require contractors to provide details of any sub-contractors they intend to use and the checks made to ensure their asbestos competency
- Ensure through contractor approval and monitoring that all contractors approved to undertake asbestos related work are trained and competent to do so in accordance with HSE requirements.
- Ensure that HSE requirements concerning surveying and sampling methods are complied with for all works they commission or manage.
- Monitor the activities of all contractors that undertake work on behalf NCC, both direct and sub contracted works, to ensure such works meet the legislative requirements regarding asbestos, including the provision of proof where necessary for statutory steps, e.g. submission of ASB5 notice.
- Monitor CDM and project work that they are involved with to ensure such work meets the legislative requirements regarding asbestos.
- Undertake an initial management survey (as described in section 5) in all NCC premises including farms, voluntary controlled, foundation and church schools.

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N.B. these assessments were undertaken pre-2008 and therefore assessments also exist for schools that have since become academies.

- Ensure that where appropriate, a refurbishment and demolition survey (as described in section 5) is undertaken prior to any maintenance work, additions, modifications or any other construction work to premises which they are involved in or have control over; and that the findings of such a survey are actioned.
- Ensure all contractors engaged by NPS to carry out works of any description are aware of the requirement to check the asbestos survey report for that premises prior to commencing work.
- Check the method statements of contractors they employ to undertake work involving asbestos to ensure it complies with both NCC's and legal requirements.
- Monitor NPS engaged contractors' activities to ensure they are complying with their responsibilities as detailed in this compliance code, their method statements and legal requirements as far as is reasonable without exposing NPS employees to asbestos contamination.
- Ensure air clearance tests and certification of reoccupation are undertaken by an independent, approved analytical consultant once removal work has been completed.
- Investigate any accidental release of asbestos caused by contractors engaged by NPS and notify, liaise and cooperate with the NCC Health Safety and Well-being Manager and the relevant Health and Safety Adviser over such incidents.
- Put in place a removal and encapsulation programme to ensure materials identified as high or medium risk are either removed, repaired or sealed/encapsulated
- Update premises asbestos registers following this work.
- Unless exemption has been agreed by the Health Safety and Well-being manager, undertake annual risk assessment review and physical inspection of identified asbestos to monitor its condition, or earlier if:
  - Damage to asbestos containing material has been brought to their attention.
  - An incident involving possible or actual exposure to asbestos has occurred.
  - There is new information about risks or control measures.
  - Possible new sources of asbestos have been identified.
- Exemption to the above will be granted where:
  - There is a low quantity of ACM in good condition
  - ACMs are located in inaccessible areas or areas unlikely to be damaged and
  - ACMs are contained within composite materials

  All premises where the exemption applies will be notified in writing by NPS and premises managers should keep this letter with their asbestos management plan.
- Following assessment and inspection:

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- Undertake further sampling of suspected ACMs where necessary.
- Re-label any areas that require warning labels in accordance with this compliance code.
- Update/reissue the asbestos register.

- Respond immediately and appropriately when notified of a suspected or confirmed uncontrolled releases of asbestos, or when ACMs presenting an immediate risk are discovered during a re-survey. This includes providing advice, support and assistance (including taking samples to confirm the presence of ACMs) to ensure any necessary steps are taken to prevent further release and to make the area safe. It will also include notifying the Health, safety and Well-being (HSW) team where they would otherwise not be aware of the release i.e. when it isn't HSW reporting the release to NPS
- Provide regular updates to the Corporate Property Team on progress with asbestos management and any issues identified following monitoring and inspection work.

3.8 Asbestos contractors

- Maintain their employee competencies in accordance with HSE requirements.
- Produce a plan of work and method statement in accordance with the legislative requirements and submit these to NPS (or the premises manager directly if not undertaking work through NPS) for agreement.
- Submit the statutory ASB5 notice and method statement to the HSE as soon as possible and at least 14 days prior to notifiable work commencing. Proof that this has been done and approval has been given must be supplied to the client NPS/NCC/the trust.
- Take all reasonably practicable measures to ensure that work is carried out in line with the method statement.
- Provide all relevant records of work undertaken and tests completed to premises and NPS.
- If sub-contracting out any of the work under their contractual control, contractors are responsible for ensuring that any company they employ meets the requirements of the legislation and this compliance code.

3.9 All other contractors

- Attend asbestos awareness training where their role is such that their work may disturb and/or cause damage to ACMs
- Prior to carrying out any works that might impact on known ACMs or potentially concealed ACMs, check that an appropriate level of asbestos survey has been carried out, including localised refurbishment and demolition (R&D) surveys where necessary
- Not to knowingly carry out work on ACMs that they are not competent (and licensed where necessary) to perform

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- If sub-contracting out any of the work under their contractual control, contractors are responsible for ensuring that any company they employ meets the requirements of the legislation and this compliance code.

4.0 Training

Many of the responsibilities laid out above require a particular level of knowledge and training. NCC provides the following courses to assist competency levels to be achieved and maintained:

- Senior Mangers Training
- Line Managers Training
- Premises Managers Training Part 1
- Premises Managers Training Part 2 (Asbestos Specific)
- Health and Safety for Project Management training
- Asbestos Awareness e-learning

All those with responsibilities under this compliance code must attend/complete the training relevant to their role. In terms of premises management training a deputy/other person should also be trained to cover absences. In larger premises there should ideally be three or four people trained.

General employee awareness of the risks of asbestos and the procedures to follow must be provided by managers through basic instruction and information during induction and general health and safety training, this can be supported by use of the e-learning module.

5.0 Asbestos Survey

5.1 Key points relating to asbestos survey types and requirements

The following key points relate to asbestos surveys and are expanded upon throughout section 5.

- Surveys need to be carried out of all premises to identify potential ACMs
- This can involve samples being taken for analysis or otherwise a presumption being made that ACMs are present
- There are two types of asbestos survey: Management surveys and Refurbishment and Demolition surveys
- Management surveys are intended to assist with the identification and management of ACMs that might be impacted on during normal operation/occupation of the building
- R&D surveys (including localised invasive surveys) are required prior to invasive works taking place
- A decision making process to help with this is outlined below
- NPS will consider the need for additional surveying for projects they oversee
- The relevant service project/premises manager must ensure this happens when not using NPS' services

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- Asbestos survey findings need to be provided to contractors before works begin and contractors should not start work without first checking this has been done

An asbestos survey appropriate to each premises was previously organised by NPS and carried out by a suitably qualified, competent and approved contractor. This was undertaken according to the HSE survey standards in place at the time and the findings of these surveys were reported in the asbestos registers subsequently provided to each site. These continue to be subject to an annual review (of the condition and risk assessment scoring) by NPS in NCC schools with the exception of those exemptions detailed in 3.9 (and to whom NPS will have written, confirming an annual survey will no longer be undertaken).

Any Surveys undertaken after February 2010 are to be completed in accordance with HSG 264 'Asbestos: the Survey Guide'.

The survey will establish the location, form, type and condition of any ACMs with an evaluation of the likelihood of the material being damaged, disturbed or worked on in the future. The survey types noted in HSG 264 are:

5.2 Management survey

A management survey is the standard survey and its purpose is to locate, as far as reasonably practicable, the presence and extent of any suspect ACMs which could be damaged or disturbed during normal occupancy and to assess their condition.

Due to their limitations, the contents of a management survey cannot be relied upon as confirmation that there are no ACMs hidden within the fabric of a building. This is particularly important when planning and undertaking invasive works. Cases do occasionally arise where concealed ACMs are damaged due to a management survey being inappropriately relied upon.

Management surveys will often involve minor intrusive works and disturbance such as when taking samples of suspected ACMs for analysis. The extent of this intrusion will vary between premises e.g. the type of premises, nature of its construction, accessibility of all areas etc. The areas inspected should include: under floor coverings, above false ceilings (ceiling voids), lofts, inside risers, service ducts and lift shafts, basements, cellars, underground rooms, undercrofts (this list is not exhaustive).

A management survey will include an assessment of the condition of the various ACMs identified and their ability to release fibres into the air if disturbed. This assessment will give a good initial guide to the priority for managing ACMs as it will identify the materials which will most readily release airborne fibres if they are disturbed.

The survey will usually involve sampling and analysis to confirm the presence - or absence - of ACMs. If sampling is not undertaken, suspected ACMs can be presumed as containing asbestos. Therefore, it is possible an asbestos survey may utilise a combination of sampling and presumptive methods; or either method on its own. Where it is not known for certain if a material is (or isn't) an ACM; it should be

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presumed and treated as being an ACM until confirmed otherwise. Any materials presumed to contain asbestos should also have their condition assessed.

5.3 Refurbishment and demolition (R&D) survey

As described in 5.2, the information contained in a management survey report is gained from a largely non-invasive survey that is unlikely to have identified ACMs hidden within the construction of the building, or where access was especially difficult e.g. inaccessible loft spaces.

A R&D survey on the other hand, is an invasive/destructive method of survey intended to identify materials hidden within the inner fabric of the building. The need for a R&D survey (which could be considered on a localised basis depending on the extent of the works) should be considered before maintenance, refurbishment, demolition or upgrade works are carried out that may lead to any unknown, concealed ACMs being damaged.

It is important to note that many asbestos releases occur because invasive works are carried out without an appropriate level of survey having been first undertaken. Such works are often large scale e.g. the demolition of an entire building, extensive re-cabling works or the removal of large fixed structures or plant. Equally though, they can in some instances include routine, minor works such as drilling into structures where the management survey hasn't been invasive and so, for example, hasn't accessed behind superficial materials such as fascias and panelling.

5.4 Process for considering whether additional surveying is necessary

Where works are being overseen by NPS, they will determine whether additional surveying is necessary and ensure this is commissioned. If a project is being undertaken independently of NPS, however, the responsible project manager must ensure the need for any additional surveying is properly considered. If it is needed, this can be organised through NPS.

Though information on the presence of ACMs needs to be made available to contractors, they must not undertake invasive works without first satisfying themselves an appropriate survey has been carried out and that there is no risk of their work disturbing hidden ACMs.

In most instances, the need for additional surveying for larger works will be obvious. This may not be the case though for less significant but still invasive works and so the following process is provided to help determine whether additional surveying is needed. You must be able to demonstrate before allowing any invasive works to take place, that the process/points below have been considered and so your risk assessment should document the findings from the below.

1. Establish whether the building (or the parts of the building to be worked on) was constructed after 1999. The use of asbestos was phased out over many years until finally all types were banned in 1999 and so any structures built from 2000

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onwards should not contain ACMs. Therefore, it would be safe for the work to go ahead. If constructed before 2000 then;

2. Establish if the work is to be carried out to known non-ACMs (such as brick, wood, UPVC, metal, breeze blocks, concrete, glass, natural stone etc) and if so, that it also wouldn't affect any possible underlying, unknown ACMs (e.g. four inch holes aren't being drilled through a one inch wood panel and into unknown materials behind). If work is taking place on a known non-ACM, it would be safe not to carry out any further invasive survey;
3. Check the site management survey (contained in the asbestos register) as these will often contain information on materials that were tested and confirmed as non-ACMs. Note though; even if ACMs are not identified (or were tested and found not to be ACMs), you will still need to consider whether there is the potential for unknown, underlying ACM's to be damaged (as discussed in 2)
4. Review other information that may be available. For example; check NPS' Connect 2 property management database, look at previous surveys to see if any materials were encapsulated, contact people with knowledge of the building (e.g. NPS surveyor, long serving staff members etc) to gather further information e.g. if a refurbishment has been carried out previously or if it is known whether the plasterboard to be drilled through is covering only a bare faced brick wall.

5. If you cannot be certain ACMs won't be impacted upon; consider whether the work you are planning can be done differently to reduce the risk of damaging underlying materials e.g. surface mounting cables into a known non-ACM instead of drilling/chasing through it and into unknown structures behind. If the work cannot be undertaken differently and;

6. If from the information gathered in the above steps you cannot be certain there are no concealed or unidentified ACMs in the area where the work is to take place; an additional, generally localised, invasive survey must be arranged. Alternatively; presume that the work may disturb hidden ACMs and ensure any work carried out treats it as such **Note though; it is school policy that staff should not carry out work on known or presumed ACMs**

For major works, comprehensive (i.e. not localised) R&D surveys will be needed to locate all the asbestos in the building (or the relevant parts) to which the works are taking place, as far as reasonably practicable. It will be a disruptive and fully intrusive survey which may need to penetrate all parts of the building structure. Aggressive inspection techniques will be needed to lift carpets and tiles, break through walls, ceilings, cladding and partitions, and open up floors.

If the specified works change at any point in the project a new survey must be commissioned for the new areas before any work in these locations takes place. This will also apply if any further works take place in different areas in the future. If any areas not covered by the survey are inadvertently damaged, work must stop until a survey is carried out for reassurance purposes.

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It is important that you allow for additional R&D surveys to be undertaken as necessary within your project plan and budget for these. The asbestos register should be updated with the findings of any additional surveying. The person commissioning the survey should ensure this happens by providing a copy of the report to the premises manager and NPS (or your property management company).

5.5 Asbestos Survey Report

NPS have carried out management surveys as described above in all NCC premises and created asbestos survey reports. These reports (asbestos registers) include an asbestos plan and photographs, a list of the materials found, descriptions of the material (their type, location and condition), a risk assessment and priority identification.

It also identifies the remedial action necessary to deal with any asbestos present as follows:

- **Monitor and manage -** Leave the ACMs in place, monitor and record condition at intervals not exceeding 12 months. Review action where deterioration or damage occurs.
- **Protect or enclose -** Construct or place physical barrier to prevent damage to the ACM. If the works to provide the enclosure are liable to disturb the asbestos then a licensed asbestos removal contractor should carry out the work.
- **Seal or encapsulate -** Seal surface of the ACM with a durable and flexible coating designed to give the ACM additional strength and prevent fibre release from surface of material. Suitable for ACMs that are presently unsealed and in reasonable condition. Not appropriate where material will be subject to impact damage and work in virtually all cases should be carried out by a licensed contractor.
- **Repair -** Suitable where damage is slight and repair is restricted to patching or making good small areas of material. A licensed contractor should generally undertake this work.
- **Remove -** Where ACMs are not in good condition or are in a vulnerable position and liable to damage and it is not practicable to protect, seal or repair. Remove also in areas due for refurbishment, alterations or demolition. A licensed contractor should generally undertake this work.
- **Restrict a-** Where it is not possible to immediately repair or remove damaged asbestos and persons are likely to be exposed to asbestos fibres in the air. Restrict access to these spaces to persons with appropriate protective equipment.

NPS will update the survey report in the register each time the property or ACM is inspected or work involving ACMs is undertaken by them or anyone contracted by them.

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Premises managers must ensure the recommended actions are undertaken as identified in the survey report. This would include progressing any remedial works required with NPS.

The asbestos survey report must be consulted before any property maintenance, repairs, cable/IT installation, alteration, refurbishment or other similar works that may impact on ACMs are carried out. Therefore, premises managers must ensure contractors are informed of the contents of the survey report whenever undertaking work at a premises. They must ensure contractors sign the register to say they have seen it. **5.2 and 5.3 discussed the limitations of a management survey and when additional refurbishment and demolition (invasive) surveys may be needed.**

There are strict requirements placed on work with ACMs which vary depending on the ACM type and the work being carried out. It is school policy that employees will not knowingly undertake work with or on known or presumed ACMs. Therefore, employees must be aware of the above and act accordingly.

For schools part of the BMP, the asbestos survey is provided to the premises by NPS as well as being available on Connect 2. The hard copy of the survey must be kept in a secure place where it can be accessed by anyone who may need the information it contains. This includes employees and other persons that occupy our buildings. All persons who need to understand the contents of the documents must be made aware of the documents existence and location.

6.0 Asbestos Management Plan

Premises Managers must produce a local asbestos management plan setting out how the ACMs identified in their asbestos report will be managed. A template is available for this purpose which will ensure your plan is easy to read and update. You must make certain that the plan is easy to find when you, or anyone else, need it, and that you record local monitoring of the condition of asbestos materials (i.e. six monthly or quarterly inspections by staff on site and annually by NPS) within it.

The plan should include:

- Details of persons responsible for managing asbestos on the premises (names and positions)
- The most recent asbestos survey
- Plans/schedules for ensuring the recommended actions are undertaken e.g. removal, encapsulation etc
- The schedule for monitoring the condition of low and medium risk materials
  - Low risk – six monthly
  - Medium risk - quarterly
- Proof that you have considered whether materials identified in the survey report present a higher risk than that assessed by NPS or your own surveyor in the case of academies*
- Procedures to monitor and review the plan and the arrangements to act on it so that the plan remains relevant and up-to-date

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- Details of how premises employees and others affected will be instructed regarding ACMs on site and their role in the management of it

You must:

- Take the necessary steps to put the plan into action
- Tell people about your decisions

*When developing your plan, you may consider that ACMs identified (in the asbestos survey) as needing to be 'monitored and managed', pose a higher risk than identified. For example; if ACMs are located in a school where it may be susceptible to damage by children. The HSE's 'Material and Priority Scoring Tool', available in section 6 of the HSE microsite 'Managing my Asbestos: a step by step guide to the duty to manage asbestos', can assist with this process. Any outcomes from this process that differ from the assessment provided by NPS should be discussed with the NPS 'Asbestos Management Building Surveyor' where using NPS' services.

Premises managers should also maintain an asbestos document file (e.g. in a folder or a drawer in a filing cabinet) containing:

- A record of all asbestos surveys affecting the building
- Copies of all written advice given in response to enquiries
- Copies of all advice received from asbestos consultants
- Details of all work carried out on ACMs
- Copies of all incident reports relating to possible or actual asbestos exposure

(including official notifications to the Health and Safety Executive)

- The current asbestos register and all amendments to it
- Details of inspections of ACMs (six monthly or quarterly by staff on site and annually by NPS or your own surveyor)
- All method statements for work on ACMs
- All risk assessments for work on ACMs
- All air monitoring reports
- All special waste disposal certificates
- All audit records

7.0 Labelling of ACMs

Careful consideration must be given to labelling ACMs. Most people are aware of the dangers of asbestos but are not necessarily aware that when in good condition and handled properly it is not a danger to health. Therefore, labelling of ACM may cause undue concern and worry.

Persons in control of premises must consider the following points when deciding whether to label ACMs or not:

- Asbestos in public areas **should not** generally be labelled.
- If labelling could result in damage by vandals it **should not** be carried out.
- If labelling would mean vast areas of the structure would be labelled due to the amount of asbestos in a site it **should not** be carried out.

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- Labels should be used where contractors or maintenance personnel have unsupervised access to remote areas containing asbestos

If in doubt consult the Health, Safety and Well-being team.

Where used the labels used will be in the following format:

Do not disturb the material to which this sign is attached

Report any damage to NPS Building Surveying on (01603 706194)

You may also see older labels already in place such as the following:

These include a description of the ACM, depending on the circumstances. For example:

WARNING – ASBESTOS CONTAINING MATERIAL

WARNING – AREA CONTAINS ASBESTOS CONTAINING MATERIALS. SEE ASBESTOS REGISTER FOR FURTHER DETAILS

Existing labels do not need to be replaced as long as it is clear from the label and wording what they signify. Where an asbestos surveyor working for NPS identifies a need to display asbestos warning labels they will label these areas during their visit.

8.0 Working with ACMs

NCC staff

It is NCC's policy that staff will not work on known or presumed ACMs. Work must only be carried out by contractors approved to do so and NPS operate an approved

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contractor list which can be accessed for this purpose. It is highly advisable academy trusts adhere to this approach also.

Contractors
The majority of work on ACMs must be carried out by specialist asbestos contractors, licensed by the HSE. Even where a licensed contractor is not needed, the contractor should nevertheless be required to demonstrate their competence in the field of work and the safe working methods they will be adhering to. As most asbestos works take place through the BMP or as part of a bigger project overseen by NPS; NPS will usually manage these aspects.

Where NPS are not being used, the responsibility for choosing/approving a suitable contractor and the working methods to be employed will reside with the service project team/lead overseeing the works. Therefore, it is important to be able to demonstrate how this process was undertaken. Further information on procuring goods and services is available in the Procurement and Commissioning Compliance Code P605
Responsibilities of the project lead/team will also include ensuring requirements for additional surveying have been considered and the results (where additional surveying is undertaken) have been provided to – and acknowledged by – the contractor in advance of the work beginning.

Most work with asbestos also needs to be notified to the HSE and responsibility for ensuring this happens also falls to the project team where NPS are not managing the works.

Further information on notifiable/non-notifiable works and when licensed contractors must be used can be obtained from the Health, Safety and Well-being team. It is essential these requirements are given due consideration prior to awarding any asbestos related works.

9.0 Action in the event of damage or exposure to an ACM

Academy trusts will need to develop their own protocols but can make reference to NCC's below in doing so.

When an ACM or a suspected ACM is found or damaged during the course of **any** work, (other than planned work being carried out by a licensed asbestos contractor in a sealed enclosure), the following steps must be taken:

- **Stop work immediately**
- **Do not attempt to clear up suspected debris. Doing so may spread fibres further e.g. by seeping or vacuuming using a normal vacuum**
- **Secure the area to prevent further damage and access to the area by anyone. Consider also any adjoining areas that debris may have spread to**
- **Turn off any ventilation equipment that might enable fibres to be transferred between parts of the building**

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- **Do not attempt to remove contaminated equipment from the room**
- **Lightly contaminated clothing should be gently wiped with damp rags and the rags carefully placed and sealed into a plastic (polythene if available) bag to await proper disposal**
- **Contact the Health, Safety and Well-being team for instructions and inform the person in control of the premises, your Service Head and NPS (where applicable) of the situation.**
- **Work is not to resume unless a health and safety adviser has informed you it is safe to do so**

A written record of the event must be made and kept in the asbestos management plan. Where employees have been exposed, this record must include a reference to affected person(s) personal file(s) but a list of the persons affected should not be kept in the plan, as this is confidential information. However, the record must make it clear if employees were exposed and notified as such.

- The Health and Safety Adviser will:
  - Inform the Health Safety and Well-being Manager of the situation.
  - Monitor that the appropriate action has been taken.
  - Determine whether further advice is needed.
  - Determine whether the incident needs to be reported to the HSE and, if it does, ensure that a report is made.
  - Keep a record of the incident and carry out any necessary investigation into the cause, in conjunction with NPS and the Health Safety and Well-being Manager as appropriate.
  - Co-ordinate the provision of information to staff and others that may have been affected.
  - Inform NCC's Communications team where appropriate
  - Where appropriate, visit the site as soon as possible to provide reassurance and advice to members of staff affected.
  - Where appropriate, refer to and instigate the health and safety major incident procedure.

NPS will co-operate with and assist the relevant health and safety adviser(s) as necessary and in accordance with the *major incident procedure*.

All parties involved are responsible for ensuring the business continuity plan for the building is instigated and adhered to.

10.0 Notifying those potentially exposed to asbestos

10.1 Deciding whether to notify individuals and the HSE

For each asbestos release and potential exposure occurring; careful consideration will be given by the HSW team as to whether individuals potentially exposed, and/or the HSE, need to be informed. This will require careful consideration of the information

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gathered following the release such as: details of the ACM type, the extent of the damage caused, how it was caused, the likely duration of the exposure and the results of any air sampling and/or analysis undertaken following the incident.

Where air sampling is undertaken, the results will be compared against the clearance limit of <0.01f/ml (which is the lowest detectable level). However, in some situations it may not be possible to ascertain whether the clearance limit would have been/was exceeded. An example might be when a likely asbestos release only comes to light at a later date (which NPS and/or the HSW team hadn't been made aware of) and so for which air sampling was not organised. In these instances, where information exists on typical asbestos levels arising from similar activities/releases; it may be possible to use this information in arriving at a decision about a possible exposure.

10.2 Information to employees following a potential asbestos exposure

Where an employee needs to be notified of a potential exposure to asbestos fibres, this will be carried out in writing. This process will be led by the relevant health and safety adviser who has pro-forma information that they will tailor to the specific event. In some circumstances it may be appropriate to refer employees to the council's Occupational Health Adviser and/or Norfolk Support Line, so that the medical issues can be fully discussed and any anxieties allayed. Line managers should discuss this option with the health and safety adviser and Human Resources.

10.3 Information to non-employees following a potential exposure to asbestos

Where a third party needs to be notified of a potential exposure to asbestos fibres, they should be notified as follows:

- **School pupils**
  Where a pupil has been potentially exposed to asbestos, their parent or guardian should be notified of the potential exposure in writing. Pro-forma information will be tailored so it is specific to the event and provided by the health and safety adviser for distribution. Non-staff do not have access to Norfolk Support Line or the occupational health service and so the letter will direct them to discuss their potential exposure with the child's GP

- **Contractors**
  Where a contractor has been potentially exposed to asbestos, the employing organisation should be advised of this and asked to inform their staff. The letter provided to NCC staff will also be provided to the employing organisation for information, along with the advice that they should have arrangements in place for keeping a copy of this letter on their employee's employee record

- **Other members of the public**
  It may not be possible to identify all members of the public potentially exposed to asbestos, particularly if there is a significant turnover of visitors who do not sign in and out. However, if an asbestos release incident occurs while members of the public are accessing the affected area or you become aware of damage having been caused to ACMs at some point; you should attempt to record the

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details (names and addresses) of those present so they can be contacted at a later date if necessary

10.4 Incident report forms and investigations

Asbestos release incidents should be recorded on the NCC incident report form. In addition, a detailed incident investigation may also need to be carried out depending on the nature and extent of the release. To determine whether this more detailed investigation is required, it is important the Health, Safety and Well-being team is notified of asbestos incidents as soon as they occur.

Details (name, address of all individuals and whether they are employees, pupils, contractors or other) of all those known to have been potentially exposed following an asbestos release should be recorded as part of the incident investigation.

A copy of any incident report/investigation form should also be sent to the Health, Safety and Well-being team for recording and safekeeping.

10.5 Keeping records of potential exposures

- **Staff**
  Incidents of potential exposure to asbestos should be kept on the staff record of the individual concerned (e.g. a copy of the letter sent to the individual and the incident report form). The Headteacher should ensure this happens.

  The health and safety adviser leading the investigation will advise you when this is necessary.

- **School pupils**
  Incidents of potential exposure to asbestos should be kept on the child's school record (e.g. a copy of the letter sent to the individual's parent or guardian and the incident report form) and a note made on the record to this effect. The health and safety adviser leading the investigation will advise you when this is necessary.

10.6 Retention periods for asbestos exposure and incident investigation records

Due to the potentially long period between asbestos exposure and the possible onset of ill health; records relating to an exposure should be kept for at least 40 years following the incident (though note the longer period for pupils discussed below). Therefore, arrangements for ensuing this happens need to be in place and make provision for:

- Transferring relevant records when a building is closed (no longer used)
- Ensuring relevant records are kept even where an exposed individual later transfers to a new post within the authority or leaves the authority altogether
- Ensuring records are kept for exposed pupils even when this means retaining the child's school record past the date when ordinarily it would be disposed of. In instances where children have been potentially exposed the record should be kept for 65 years past the date of birth. This reflects the addition of the 40 year asbestos retention period to the normal incident report retention period for pupil incidents which is date of birth plus 25 years

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