



Health and Safety
Arrangements for:

Managing Asbestos HS04

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1. Introduction

This document outlines the minimum arrangements needed to comply with Devon County Council's (DCC) Health and Safety Policy. It is intended to assist managers discharge their duties as well as providing information to employees. Where applicable, specific policy requirements are highlighted at the start of each section. These are to be treated as mandatory for DCC managers and staff.

2. The Law

Work with asbestos is subject to *the Control of Asbestos Regulations 2012* and the associated *Approved Code of Practice L143*, along with the *Management of Health and Safety at Work Regulations 1999*, and the *Workplace (Health, Safety & Welfare) Regulations 1992*. In addition, arrangements to deal with asbestos during construction will also be controlled by the *Construction (Design and Management) Regulations 2015*.

The Regulations place duties on employers, and those who control any work with Asbestos (such as Premises Managers or Headteachers) who may contract others to carry out construction, maintenance or repair work that may involve disturbing the fabric of the building.

3. Duties and Responsibilities

Policy

- **For each DCC owned or controlled building, there must be an identified responsible manager with the duty to manage. This person must be identified in the Asbestos Management Plan for the building concerned.**
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The Duty Holder and Responsible Manager

Under *CAR 2012*, DCC as the employer is the duty holder for DCC owned and managed buildings. Necessarily, the employer as duty holder will delegate responsibility to the relevant manager in control of the premises concerned. This individual will vary between types of building across the DCC estate but could include the relevant establishment manager, the Headteacher, or person otherwise in budgetary control of the premises. Nevertheless, in all cases the responsible manager must be clearly identified for each building.

Through the actions of the identified responsible manager, the Duty Holder must ensure that adequate arrangements and controls are in place to prevent unplanned disturbance of any 'asbestos containing material' (ACM) and to minimise exposure to asbestos fibres by any person following an unplanned event or incident. This must be achieved by:

- The identification of any ACMs present, along with an assessment of risk of ACMs identified.
- Presuming materials contain asbestos unless there is strong evidence to contrary.
- Creating and Asbestos Management Plan to identify and implement management arrangements to control the risk.
- Regularly reviewing arrangements and keeping records up to date.
- Providing information to anyone liable to disturb ACMs.

4. Asbestos Surveys and Risk Assessment

Policy

- **Asbestos surveys will be undertaken by a competent surveying contractor arranged by South West Norse.**
 - **The Asbestos Register will be maintained by South West Norse for all Devon County Council establishments.**
 - **The responsible manager must inform South West Norse of any changes to items listed in the Asbestos Register by using the ASB3 form.**
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The serious risk to health from asbestos has been known for many years. There is a potential for exposure by release of fibres wherever there are asbestos containing materials (ACMs). To establish what asbestos is present at a site, a 'Management Survey' is carried out by a trained competent asbestos surveyor who understands the *CAW Regulations 2012*, the *ACoP L143* and HSE guidance HSG264. The competent surveyor will also have sufficient knowledge of the uses of asbestos in construction and the ability to draw up a report of their findings.

In addition to the identification of ACMs within a building, the competent surveyor will assess the risks presented by each ACM identified. The risk assessment process for asbestos must consider:

- The type and composition of the ACMs present (Material Score).
- The likelihood of disturbance or damage to the ACMs (Priority Score).
- The overall risk when the Material and Priority scores are combined.
- The preventative measures that can be put in place to prevent exposure.

The regulation states that any places that are inaccessible will be presumed to have asbestos until proved otherwise.

Once the presence of asbestos is established, or presumed to be present, then management controls will be recommended by the surveyor according to the level of risk identified. The options are:

- removal of ACMs – this is usually for ACMs that are easily damaged or of a type known to release fibres easily.

- Encapsulation of the ACMs – this is achieved by coating the ACMs in a specific material to prevent release of fibres and provide some protection against disturbance, damage, or abrasion.
- Enclosing the ACMs – this is achieved by providing constructed covering to protect the ACM from damage.
- Monitoring the ACMs - checks are carried out on a regular basis for the deterioration or damage to the ACMs. This control is usual for low-risk ACMs that contain a low percentage of asbestos, are in a position that is unlikely to be disturbed or have been protected in some way.

The Asbestos Register

The information from asbestos survey reports is placed in an asbestos register which is a document that can be amended and updated over time to reflect changes made. These could include changes to the condition of the ACMs noted during monitoring activities or could be to note the removal of ACMs entirely.

Within Devon County Council establishments, including maintained schools, the Asbestos Register is managed by South West Norse on behalf of the authority. The responsible manager must inform South West Norse of any changes by using the ASB3 form.

Management Surveys are non-invasive surveys which leave the building undamaged. Consequently, some ACMs within the building may remain undiscovered after a survey at this level. *Therefore, it must be emphasised that even when there is no asbestos listed in the Asbestos Register, this is not a guarantee that this location does not have asbestos present, unless constructed post-1999.* Caution must therefore be taken when undertaking any projects which disturb the fabric of the building. A more detailed and invasive 'Refurbishment and Demolition Survey' must be undertaken unless there is certainty that the project will not disturb any ACMs.

Not all ACMs listed in an Asbestos Register have been sampled. Materials will be marked as presumed where the surveyor has good cause to suspect asbestos, but laboratory identification has not been undertaken to confirm this. Examples of this include the situation where there is similar material present throughout a building that has been sampled and confirmed to be asbestos in some places, but not all.

Materials that are presumed to contain asbestos are indicated in the Asbestos Register. Work must not proceed on presumed ACMs unless by a licensed contractor or until the material has been sampled and identified as not being asbestos by a competent analyst.

Further details regarding the different levels of survey are included in Appendix 1 with additional information about the Asbestos Register in Appendix 2. The ASB3 form is available in OSHENS Document library.

5. The Asbestos Management Plan

Policy

- **The responsible manager must ensure that an Asbestos Management Plan (AMP) is completed for each building under their control using the DCC Asbestos Management Plan template.**
 - **The inspection of ACMs listed in the asbestos register will be undertaken on an annual basis by South West Norse. Any interim inspections undertaken by the responsible manager should be recorded on the ASB2 form.**
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The responsible manager must ensure that adequate arrangements and controls are in place to prevent unplanned disturbance to any known asbestos containing material and to minimise exposure to asbestos fibres by any person following an unplanned event or incident. These arrangements are formalised in a local Asbestos Management Plan (AMP) for the building that sets out how the risks from these materials will be managed. The AMP must be building specific. The AMP must include:

- The person responsible for managing asbestos in the building concerned.
- The availability of the asbestos register and means of updating the information held within it.
- The inspection schedule for monitoring the condition of all known asbestos containing materials listed in the Asbestos Register.
- Arrangements for the control of building and maintenance works.
- Arrangements for sharing information with any contractors likely to work on the building.
- Training arrangements for anyone named in the AMP.
- An action plan outlining priorities for the improvement of asbestos management within the building.
- Procedures to monitor and review the AMP and the arrangements arising from it so that the plan remains relevant and up to date.

The inspection of ACMs listed in the Asbestos Register will be undertaken on an annual basis by South West Norse. Where there is concern about the vulnerability of identified ACMs to damage, then an interim inspection must be arranged by the responsible manager. These interim inspections should be recorded on the ASB2 form.

The AMP must remain a “live document” and should be reviewed regularly to ensure priorities are being addressed as stated. Information relating to day-to-day changes in levels of risk due to damage that has occurred, or from the asbestos register or following regular scheduled inspections should be used to inform the Asbestos Management Plan. The DCC format for the AMP and the ASB2 form are available in OSHENS Document library.

6. Management of all Projects, Including Small Tasks

Policy

- **The responsible manager must ensure that an ASB1 Permit to Work is completed prior to allowing any works which disturb the fabric of the building.**
 - **Work involving the disturbance of ACMs must be undertaken by a competent and, where necessary, licenced contractor and not by DCC staff themselves.**
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Wherever ACMs are located there is a potential for exposure if asbestos fibres are released. Fibre release will occur if ACMs are disturbed or damaged. The level of fibre release is dependent upon the type and composition of the ACMs and the extent of any damage. 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
- Undertaking demolition and clearance of sites
- Routine installation, repair and maintenance work by plumbers, electricians, carpenters, and other trades people
- Excavating contaminated ground
- Installing IT, fire alarm or other cabling.

However, precautions need to be taken concerning the possible presence of ACMs on all projects irrespective of their size or complexity. Even on the smallest of tasks the extent of asbestos may be significant. Therefore, any works that may affect asbestos materials must be carried out using the following procedures which are designed to safeguard the worker, the occupants of buildings and the environment:

- Prior to commencing any work which may affect the fabric of the building, it is necessary to identify any known or presumed ACMs and instigate additional investigation to ensure that ACMs will be either unaffected or managed correctly. This may require additional surveying.
- Form ASB1 (See OSHENS Key Forms, Model Documents, etc.) is a pro forma which acts as a Permit to Work. Any proposed works must not commence until an ASB1 has been completed by the responsible manager as named in the AMP. Copies of the completed ASB1 must be retained at the premises with the asbestos register and will provide evidence of asbestos management in the event of enquiry or audit.

In establishments where DCC is the owner or the employer, premises managers must notify South West Norse if they intend to carry out work within their delegated responsibility which affects suspected material. This is essential to enable Devon County Council to comply with its statutory duty holder duties. Advice must be sought from South West Norse or from a competent contractor experienced in working on asbestos before work involving asbestos-containing materials is carried out. Work involving the disturbance of ACMs must be undertaken by a competent and, where necessary, licenced contractor and not by DCC staff themselves.

Application for waivers from the Health & Safety Executive

14 days' notice must be given to the HSE before any licensed work on ACMs takes place. A waiver to this can be applied for but the effective day-to-day management of any known asbestos and adequate planning and resourcing of building projects should minimise the need for waiver applications. The application for a waiver by a licensed contractor must only be done with the approval of the DCC Health & Safety Manager and will be considered on a case-by-case basis. Devon County Council recognises that in the event of vandalism and other emergency incidents, a waiver request may be required.

The ASB1 Permit-to-Work form is available in OSHENS Document library.

7. Managing Asbestos Risk in other Situations

Derelict and Abandoned Buildings

If the building is basically sound and likely to be refurbished, it must be effectively secured against vandalism and, for any asbestos containing material which is in good condition, labelling should be considered. If any asbestos containing material is damaged or decayed, it must either be sealed, encapsulated, or removed by a specialist contractor before the building is secured.

If the building has no future life and demolition is proposed, the *Construction (Design and Management) Regulations 2015* will apply and a HSG264 Demolition / Refurbishment survey must be undertaken before demolition to locate asbestos materials and other hazardous substances. The full extent of the presence of asbestos may not be known until demolition work is under way.

Wherever possible, asbestos insulation and coatings must be removed before any other demolition work commences. Removal must be undertaken by a licensed contractor.

Plant and equipment not forming part of the premises which contain asbestos must be disposed of in accordance with the Environmental Protection Act 1990.

Leased and Rented Property

The duties under the regulations must be made clear for each property which is managed or used by DCC employees. Property leased by DCC on a full repairing lease is to be treated as council owned property and a copy of any asbestos information must be held at the premises. For new acquisitions this may require an Asbestos Management Survey and any known asbestos be treated as if the building was corporately owned.

For properties leased under other repair terms, the lease must clarify management responsibilities for parties who are duty holders. A collaborative approach is required to ensure that all asbestos materials are well managed.

The same clarity regarding duties applies when DCC property is leased to a third party, whether it is a full repairing lease or otherwise, the tenant must be made known of the presence of any known asbestos,

through results of available surveys. Whatever the lease arrangements the tenant will need have in place an Asbestos Management Plan that clearly states where the tenant and DCC responsibilities lie.

Premises constructed post-1999

A building constructed post-1999 is highly unlikely to contain ACMs due to the date when the use of asbestos was prohibited. Managers of premises constructed post-1999 are not required to ask contractors to inspect and sign asbestos registers in these buildings. If there is any doubt as to the age of construction, then the presumption must be that ACMs are present and not to proceed with intrusive works until a further survey has been carried out.

8. Asbestos Contractors

Selecting a Suitable Contractor for Asbestos work

All asbestos surveys, including any sampling of possible ACMs, shall be carried out by competent asbestos consultants and laboratory analysis and environmental testing shall be carried out by a consultant registered by the United Kingdom Accreditation Service (UKAS) or similarly approved.

Only contractors licensed by the HSE can be used for the removal of or remedial work with Licensed Asbestos. The safest route to identify such a contractor is via the DCC-approved contractor list which is maintained by South West Norse. If a Premises Manager wishes to appoint a contractor or consultant, they shall be responsible for determining their competence and evaluating their:

- Health and Safety Policy
- Track record/experience/references from previous recent clients
- Attributes of key personnel
- Customer satisfaction
- Staff training and development
- Quality/process assurance
- Adequate insurances
- Up to date medicals for operatives
- Ability to provide a focused, local delivery service
- Qualifications and licence for undertaking asbestos related work.

The HSE provide further information on non-licensed work with asbestos: [Non-licensed work with asbestos \(hse.gov.uk\)](https://www.hse.gov.uk/non-licensed-work-with-asbestos/). This includes the definition of Licensable Work with Asbestos, Notifiable Non-licensed Work and Non-licensed works. HSE guidance includes Asbestos Essentials Task Sheets for work with non-licensed asbestos. These can be used to assist the responsible manager in assessing the competence of any contractors engaged. However, it is strongly recommended that any work with ACMs – even when unlicensed – is undertaken by a contractors licensed by the HSE from the DCC approved contractor list. Work involving the disturbance of ACMs must be undertaken by a competent and, where necessary, licenced contractor and not by DCC staff themselves.

9. Information, Instruction, Training and Supervision

Policy

- **Premises or maintenance staff must attend the DCC Asbestos Awareness training. This training must be updated every 3 years.**
 - **Managers designated the responsible person for a building must undertake the DCC Asbestos Duty to Manage training. This training must be updated every 3 years.**
 - **At least one Senior Leader within establishments or services with buildings responsibilities must undertake the DCC Senior Managers' Premises Overview training. This training must be updated every 5 years.**
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The regulations require employers to provide adequate information, instruction and training to employees who are, or who supervise those who are, liable to be exposed to asbestos so that they are aware of the risks and necessary precautions which must be taken and procedures which must be followed when working with asbestos or asbestos-containing materials.

Employees who have a responsibility for ordering and controlling such work must also be provided with adequate training appropriate to their level of responsibilities.

The Regulations also require, so far as is reasonably practicable, that people who are on the premises and could be affected by the work are given adequate information, instruction, and training. This will not only need to take account of any risks arising from the disturbance of the asbestos-containing material but also any possible risks resulting from the temporary rearrangement of thoroughfares and fire exits.

DCC provides Asbestos Duty to Manage training for those who have management responsibilities related to asbestos. Similarly, DCC provides Asbestos Awareness training for those whose activities may expose them to asbestos. Both these training courses have a mandatory refresher period of every three years. At least one Senior Leader within DCC establishments, or services which have buildings responsibilities, must undertake the DCC Senior Managers' Premises Overview training which includes Asbestos Awareness. This training must be updated every 5 years.

10. Monitoring

Policy

- **The Asbestos Management Plan (AMP) must be reviewed every 12 months, after significant change or after events have shown that management arrangements are inadequate.**
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Managers in control of buildings must check that agreed controls within their local Asbestos Management Plan are in place, including ensuring that agreed training has occurred and the risks from asbestos are managed by maintaining its condition or minimising its vulnerability or have been eliminated by removal.

11. Further Information

Further information, including generic risk assessments, can be found via the Devon Health & Safety Service's webpages on '[Health and Safety - tasks and guides \(devon.gov.uk\)](https://www.devon.gov.uk/health-and-safety/tasks-and-guides)', the 'Document Library' on the Devon Health & Safety Service's OSHENS website ([OSHENS](https://www.devon.gov.uk/oshens)) or the Health and Safety Service page on the HR People Hub [Lets Talk About Health and Safety \(sharepoint.com\)](https://sharepoint.com/healthandsafety). Alternatively, please contact the team by telephone on 01392 382027 or email healthandsafety@devon.gov.uk.

Appendix 1 - Asbestos Surveys

HSG264 Asbestos: Management Survey

The purpose of this type of survey is to locate, as far as reasonably practicable, the presence and extent of any suspect ACMs in the building and assess their condition. After a survey has been completed undetected ACMs may still exist in the premises and managers must continue to follow the available guidance on asbestos management and must still insist that contractors inspect and sign the asbestos register.

HSG264 Asbestos: Refurbishment and Demolition Survey

This type of survey is used to locate and describe, as far as reasonably practicable, all ACMs in the building and may involve destructive inspection. The survey is designed to be used as a basis for tendering the removal of ACMs from the building prior to demolition or major refurbishment so the survey does not assess the condition of the asbestos, other than to note areas of damage or where additional asbestos debris may be expected to be present.

Funding for Surveys

All management surveys which are part of the planned survey programme will be funded by the County Council from a central budget. All refurbishment/demolition surveys will be funded from the project budget to which the survey relates.

Maintaining Survey Records

All survey records, regardless of their type and the rationale for carrying them out (e.g. initial management surveys, as part of a building scheme, etc.) must be retained. Whilst the information arising out of these surveys may then be used to form the Asbestos Register this does not remove the requirement to retain the actual survey document.

Where these surveys are carried out by DCC the original survey will be held on Connect 2 for future reference. Where establishments use delegated funding and arrange for a survey directly, this information must be provided in its original format (preferably in an electronic format) to the Asset Management Team with the relevant ASB3 form.

Appendix 2 – The Asbestos Register

Each establishment has been supplied with a copy of the register which has been compiled from information gathered in an initial asbestos survey and updated following annual and other inspections / surveys. An electronic version of the register will be held within the County Council's buildings information database Connect 2 and forms part of the corporate computer database system.

The asbestos register shows the known locations of identified asbestos, compiled from a visual inspection or sampling survey. It is possible that some asbestos containing material has been overlooked and that asbestos exists in areas hidden from view (e.g., some will be hidden in walls or under floors that are not accessible without destructive testing).

The asbestos register includes an assessment of the condition of each ACM and its ability to release fibres. The material assessment rating has been calculated according to four main parameters comprising: product type, extent of damage and deterioration, surface treatment and asbestos type. It does not automatically follow that those materials assigned the highest score in the material assessment will be the materials that should be given priority for remedial action.

Where ACMs are identified as being within the building, on-going inspections and assessment must be carried out to determine what, if any, remedial work is required. Section 10 provides detailed information on the type of actions to be taken.

Keeping the Register Accessible

The duty holder must ensure that the asbestos register is made available to all employees and any person intending to carry out works on the premises or to any building element or equipment which may possibly contain asbestos. It is important that compliance with this requirement is readily demonstrable, and it is advised that a visitors' register is kept to prove this duty.

Updating the Register

The Asbestos Control and Management Form ASB3 (See OSHENS Key Forms, Model Documents, etc.) must be completed and returned to South West Norse by the person responsible for premises issues (generally the Premise's Manager) following any of the following:

- When asbestos is removed
- Where additional areas of asbestos are identified
- When the condition of the asbestos material deteriorates
- Where it becomes more susceptible to damage because of a change in usage of the area
- When rooms/areas are altered (e.g., by removal/erection of a partition).

The Asbestos Database

The ongoing maintenance of the asbestos database, contained within Connect 2 will be the responsibility of South West Norse, who will also be responsible for making all entries into the database and to ensure that reasonable action is taken to obtain adequate information to

complete the Register. Therefore, it is vital that, if establishments change or remove asbestos as part of their delegated funding responsibilities, they keep South West Norse informed via the ASB3 form in order that the information contained in the asbestos database is up to date.

Document History

Implementation Date	Summary of change	Review Date
October 2008	Original Guidance Note (Intermediate versions archived and available on request)	August 2009
January 2018	Refinement of information and rename to Arrangements under the DCC H&S Policy or School H&S Policy	September 2019
September 2019	Review of document	September 2021
September 2021	Minor details updated	September 2023
September 2023	Re-write to clarify and amalgamate former Asbestos Policy. Change of format.	September 2025