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<b>Report To:</b>	<b>Policy and Resources Committee</b>	<b>Date:</b> 7 February 2012
<b>Report By:</b>	<b>Head of Organisational Development, Human Resources and Performance</b>	<b>Report No:</b> HR/19/11/PR
<b>Contact Officer:</b>	<b>Pauline Ramsay</b>	<b>Contact No:</b> 01475 714723
<b>Subject:</b>	<b>Asbestos Policy</b>	

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## **1.0 PURPOSE**

- 1.1 To ask the Committee to approve a Management of Asbestos Policy for the Council.

## **2.0 SUMMARY**

- 2.1 The Control of Asbestos Regulations 2006 came into force on the 13<sup>th</sup> of November 2006. Since this time Organisational Development, Human Resources and Performance have been establishing with Property Assets and Facilities Management procedures for implementation of these regulations. This policy formalises these procedures into a corporate policy.
- 2.2 The Health and Safety at Work etc. Act places a duty on employers to prepare a written statement of their general policy and as part of that policy to have in place arrangements for the implementation of Health and Safety. The Management of Asbestos Policy will form part of the Council's arrangements for Health and Safety.
- 2.3 The policy sets out how the Council will implement the Control of Asbestos Regulations 2006 in line with the relevant HSE guidance documentation.
- 2.4 The Workforce Development Strategy was approved by the Policy and Resources Committee on the 26 May 2009 and has three main themes. This particular proposal is contained within Employees – our most valuable resource in that it focuses on health, safety and welfare of our workforce.

## **3.0 RECOMMENDATIONS**

- 3.1 The Committee is recommended to approve the Management of Asbestos Policy (Appendix 1).
- 3.2 The Committee is asked to support this policy by active promotion of Health and Safety.

## **4.0 BACKGROUND**

- 4.1 Inverclyde Council is required to ensure that the risks to employee, from Asbestos is assessed in line with its legal duties as defined by the Control of Asbestos Regulations 2006, the Management of Health and Safety at Work regulations 1999 and the Health and Safety at Work etc. Act 1974.
- 4.2 By law (Health and Safety at Work etc Act 1974 section 2(3)) if you employ five or more people you must have a written health and safety policy. This contains a statement of general policy on health and safety at work and the organisation and arrangements in place for putting that policy into practice. The Management of Asbestos Policy details the arrangements the Council has in place for assessing and controlling the risk from Asbestos.
- 4.3 The Management of Asbestos Policy sets a clear direction for the Council to follow; it will contribute to all aspects of business performance as part of a demonstrable commitment to continuous improvement. It will demonstrate a shared common understanding of the Council's vision, values and beliefs. A positive Health and Safety culture is fostered by the visible and active leadership of senior managers. This is reflected within the policy.
- 4.4 The policy consists of the following main sections:
- Statement of Policy
  - Roles and Responsibilities
  - How the Policy should be implemented
  - Management Requirements
  - Information and Training Requirements

## **5.0 PROPOSALS**

- 5.1 The Management of Asbestos Policy to be adopted by Inverclyde Council and used as a framework to further enhance the safety of employees and those affected by the work of the Council.

## **6.0 IMPLICATIONS**

- 6.1 Finance: None
- 6.2 Human Resources: None
- 6.3 Legal: None
- 6.4 Equality: None

## **7.0 CONSULTATION**

- 7.1 The Management of Asbestos Policy has been coordinated through the Corporate Health and Safety Committee with Health and Safety seeking the views of both union and management colleagues. The Trades Unions have agreed the Policy.

## **8.0 BACKGROUND PAPERS**

- 8.1 Appendix 1 – Management of Asbestos Policy

*Human Resources*

# ***Management of Asbestos***

Version 2.1

Produced by:

*Health and Safety Unit  
OD&HR*

Inverclyde Council  
Municipal Buildings  
GREENOCK  
PA15 1LX

July 2011



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## DOCUMENT CONTROL

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Version	Date	Comments
2.1		Policy reviewed and updated to reflect changes in the Council Structure and changes to legislation.

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Distribution may be made to others on request

Policy Review		
Review Date	Person Responsible	Service
June 2014	H&S Team Leader	OD&HR

Policy Review		
Review Date	Person Responsible	Service
June 2012	Pauline Ramsay	OD&HR

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## 1 INTRODUCTION

- 1.1 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 products are still present in a number of locations including the Council's corporate premises, schools, commercial premises, community halls and leisure facilities .
- 1.2 This policy sets out the commitment of Inverclyde Council to provide a safe and secure environment for employees, visitor, service users and members of the public. It applies to all persons who have access to, use of, or are responsible for the maintenance of Inverclyde Council premises.
- 1.3 The Council recognises its statutory responsibilities in respect of the control of asbestos containing materials (ACM's) and will adopt the necessary measures to ensure that its policy to identify and manage ACM's reduces risks to employees, contractors, and others who may use Council premises.
- 1.4 This document sets out the Council's Asbestos Policy and defines the procedures that are required to be in place to meet legal obligations concerning the risks and effective management of ACM's.

## 2 POLICY STATEMENT

Under the Control of Asbestos Regulations 2006 as part of the duty to manage, the Council will, for those premises it owns, occupies, manages or for which it has responsibility:

- 2.1 Find out if there are ACM's in the premises.
- 2.2 Where it is not clear, or there has been no risk assessment undertaken, the Council will presume all materials contain asbestos unless there is strong evidence to the contrary.
- 2.3 Make and keep up to date, a record of the location and condition of ACM's or presumed ACM's
- 2.4 Assess the risk from the material and undertake remedial work as necessary.
- 2.5 Prepare a plan that sets out how the risks are to be managed.
- 2.6 Take the necessary steps to put the plan into action and ensure it is implemented.
- 2.7 Review and monitor the plan every 12 months or if there has been any significant change or is no longer valid
- 2.8 Provide information on the location and condition of the material to anyone liable to work on or disturb it.
- 2.9 Also ensure that Regulation 6 of (CAR 2006) "Assessment of exposure" is adhered to.



### **3 AIMS**

This policy aims to provide guidance and information to Services to help them to manage the risks from asbestos within the workplace in a sensible manner and to provide clear guidance on the procedures to be taken if asbestos is found or disturbed.

### **4 SCOPE**

- 4.1 This policy applies equally to all employees regardless of grade, experience or role within the organisation; who may come into contact with asbestos containing materials (ACM's) on any Council property. The policy also applies to contracted staff and contractors working in Council buildings.
- 4.2 Parts of this Policy are managed and administered by Property Assets and Facilities Management.

### **5 CONSULTATION & IMPACT ASSESSMENT**

- 5.1 Inverclyde Council recognises the importance of employee consultation and is committed to involving all employees in the development of policies and procedures. The following groups are formally consulted:
- Trade Union Representatives through the Corporate Health and Safety Committee.
  - All Chief Officers.
  - Employees via the Council Intranet.
- 5.2 An Equalities Impact Assessment was carried out using the Council's Equalities Impact Assessment Template.

### **6 LEGAL FRAMEWORK**

The following legislation underpins this policy.

- 6.1 There is a legal requirement for the Council to comply with the Control of Asbestos Regulations 2006 (CAR) in particular, regulation 4 "duty to manage asbestos in buildings." Advice on the preferred means of compliance with the regulation is contained in L 143 Approved Code of Practice (ACOP). Work with materials containing asbestos.
- 6.2 The duties imposed in CAR 2006 in particular regulation 4 supplement the provisions laid down in the Health and Safety at Work etc Act 1974 (the HSW Act) along with duties imposed by other regulations (listed below):
- a) The HSW Act requires employers to conduct their work in such a way that their employees will not be exposed to health and safety risks, and to provide information to other people about their workplace, which might affect their health and safety;
  - b) The Management of Health and Safety at Work Regulations 1999 ("the Management Regulations") require employers and self-employed people to make an assessment of the risks of the health and safety of themselves,

employees and people not in their employment, arising out of or in connection with the conduct of their business – and to make appropriate arrangements for protecting those peoples health and safety;

- c) The Workplace (Health, Safety and Welfare) Regulations 1992 which require employers to maintain workplace buildings so as to protect occupants and workers;
- d) The Construction (Design and Management) Regulations 2007 (“CDM”) require the client to pass on information about the state or condition of any premises (including the presence of hazardous materials such as asbestos) to the CDM Co-ordinator before any work begins and to ensure that the health and safety file is available for inspection by any person who needs the information;
- e) The Civic Government (Scotland) Act 1982 places duties on landlords to take reasonable care to see that tenants and other people are safe from personal injury or disease caused by a defect in the state of the premises.
- f) As well as imposing a duty to manage asbestos in premises, CAR 2006 requires employers to:
  - Undertake risk assessments before commencing work which exposes, or is liable to expose, employees to asbestos;
  - Produce a plan of work detailing how the work is to be carried out; i.e. Method statements for the work.
  - Either prevent exposure to asbestos or reduce it to, as low a level as is reasonably practical.

## 7 ROLES & RESPONSIBILITIES

In addition to the responsibilities laid out in the Corporate Health and Safety Policy the following responsibilities are specific to this Policy.

### 7.1 Corporate Directors/Heads of Service

Corporate Directors and Heads of Service should:-

- Prepare and revise as necessary Service arrangements for the management and control of work involving asbestos within buildings under their control.
- Ensure appropriate training, information and instruction is provided for relevant employees in the form of training courses, seminars, information leaflets and booklets, and personal instruction as appropriate.
- Ensure that where specialist technical expertise in relation to asbestos is required the Property Resources Manager, Property Assets and Facilities Management, is contacted.
- Ensure that employees or relevant contractors are provided with appropriate information, instructions and training on work being undertaken in areas containing Asbestos.
- The relevant asbestos registers are made available to all employees within their Service Area.

## 7.2 Head of Property Assets and Facilities Management

The Head of Property Assets and Facilities Management shall devise and manage the necessary procedures to ensure that ACMs within the Council are well managed by: -

- Ensuring that asbestos related work will only be carried out where appropriate by licensed specialist contractors in accordance with current legislation and “Approved Codes of Practice and Guidance”
- Establishing exact specifications of project/refurbishment works to be contracted out particularly work where ACMs are known or presumed to be. This will include levels of competency of the persons employed on such work and will entail contractors making available the qualification and training records of all staff involved in the contract with the Council.
- Ensure that all projects and/or refurbishment works likely to involve contact with ACM's has a completed “**check sheet**” see Appendix 1. All details are incorporated in the information issued at the Tender stage & pre-commencement meeting.
- Installing a monitoring system that clearly identifies compliance with the specification.
- Ensure that all staff, contractors, visitors & others likely to come into contact with ACMs in the course of their work have access to and made aware of the risks to health and the action necessary if any ACM or suspected ACM is discovered, disturbed or damaged.
- For all asbestos work ensure that prior to attending and leaving the site, the contractor will liaise with the Senior Building Surveyor or the Property Officer who is the liaison for asbestos. All relevant documentation required under Health & Safety & CAR 2006 detailed in the contract must be provided and completed by the contractor or his nominated contractor.
- Ensure that the contractor has given the required 14 days notification to the HSE.
- Ensure that the contractor has completed all documentation necessary for the disposal of waste and included them in the Health & Safety documentation to be given to the Council on completion.
- Ensure that where appropriate a 4 stage clearance test procedure has been completed and appropriate re-occupation certificate/s issued by a UKAS Accredited Lab
- Ensure that any change in condition or circumstances in ACMs noted during any maintenance, project and/or refurbishment works are notified to the Senior Building Surveyor or the Property Officer with responsibilities for asbestos.

## 7.3 Property Resources Manager

The Property Resources Manager is responsible for:

- Maintaining up to date, comprehensive and permanent records of all known locations of ACMs (and, where subsequently, new locations are identified these are added to the record together with an assessment of the risks and a plan for management)
- The record will contain as a minimum:
  - Location of the ACM
  - Type of asbestos (if sampled a Materials & Priority Risk assessments are undertaken) or assume that all material contains asbestos until sampled
  - Its condition
  - Its extent.

- Labelled either yes or no
- And when the ACM is removed:
  - The date of removal and all contractor details are provided / checked
  - That for jobs requiring 14 days notification to the Health and Safety Executive a 4 Stage Clearance test is undertaken by UKAS Accredited Laboratory. A Re-occupation Certificate is issued and Asbestos Waste Consignment Note issued for materials that have been removed.
  - The Councils PAMIS records are updated
- Organising planned and regular inspections of areas known/suspected to contain ACMs to determine any change in condition or circumstances.
- To ensure that any change in condition or circumstances noted are recorded and the risk assessment and management plan reviewed accordingly.
- Ensuring that all those likely to come into contact with ACMs in the course of their work are made aware of the risks to health and the action necessary if any ACM or suspected ACM is discovered, disturbed or damaged.
- Ensure that any contractors employed to, sample, test, treat, render safe, repair or remove asbestos are appropriately qualified, competent and licensed by the Health & Safety Executive (HSE)
- Ensure that all such contractors are familiar with the content of this document and their duties under current Asbestos legislation CAR 2006.
- Maintaining local and permanent records of training undertaken.

#### **7.4 Technical Services Manager/Service Manager School Estate Team**

The Technical Services Manager/Service Manager School Estates team will collaborate with the Property Resources Manager and has the delegated responsibility to monitor the operation of this policy with respect to all capital and project work undertaken by the Council.

The Technical Services Manager/Service Manager School Estates team will be responsible for identifying and incorporating any works required in respect of ACMs on any scheme and will refer to the Asbestos Register prior to commencement of any works on existing Council buildings. In the event there is insufficient information on the location of ACMs a full risk assessment will be undertaken prior to the disturbance of the existing building or services. A refurbishment survey will be undertaken prior to demolition works or refurbishment.

The design and management of all capital schemes involving the commissioning and the provision of building works will include the completion of a Health and Safety Manual. The Technical Services Manager/Service Manager School Estates team will ensure the manual provides clear and precise information on the products and materials contained within the works.

#### **7.5 Construction Services Manager**

The Construction Services Manager has authority and responsibility for maintenance work undertaken on Council premises by the in-house service and external contractors and shall ensure the information contained in the asbestos register is available and disseminated as needed by the requirements of the service.

They must also ensure that employees and contractors are familiar with the actions to be taken if they find suspected ACM containing materials.

#### **7.6 Lead Officers/Heads of Establishment/Managers/Team Leaders/Supervisors**

Any person who is the designated Lead Officer or Head of Establishment, or who has a managerial/supervisory responsibility for other employees, whatever title they are given has the responsibility to ensure that:

- the relevant asbestos registers are made available to employees,
- anyone who may come into contact with asbestos, is made aware of the location of ACMs on the property,
- they implement the Property Assets and Facilities Management procedures for contractors which will seek to ensure that the asbestos register is inspected by visitors/trades people who may come into contact with asbestos during their visit,
- implementing and communicating the asbestos policy and procedures
- ensuring risk assessments are carried out for the work activities they control ensuring due attention is given to the threats posed by asbestos at any particular site,
- making sure all asbestos related accidents, incidents and ill health are reported, investigated and any necessary remedial action taken,
- making sure staff are aware of the presence of asbestos in their workplace and how to deal with it.

#### **7.7 Employee Responsibilities**

All employees have a responsibility to ensure that they are complying with the health and safety procedures and requirements appropriate to their job. To achieve this, with relation to asbestos, employees should:

- taking care of their own health and safety with regard to asbestos
- making sure others are not put at risk by their actions or inactions
- informing their manager, a health and safety advisor or calling the Council hot line immediately about any concerns or change in condition to asbestos or suspect materials
- following the Asbestos Policy and assisting their management with the implementation of the Policy
- reporting shortcomings or problems regarding the provision of relevant asbestos information and conduct of contractors on site

#### **7.8 Project Planners (may be any of the above individuals or others within the Council)**

Project Planners hold the key to successful asbestos management. Planners must ensure all asbestos issues are dealt with at the earliest opportunity, as required under Construction (Design and Management) Regulations 2007. Project Planners have responsibilities to:

- ensure projects which need to disturb ACM's identify this within the project plan. The asbestos must then be removed within the timescales and funding of the project.

carry out more detailed survey work as necessary, where intrusive work is planned at any property. This is generally known as a demolition/refurbishment survey – as defined by the Health and Safety Executive publication HSG 264, Asbestos: The Survey Guide.

## **7.9 Corporate Health and Safety Committee**

The Corporate Health and Safety Committee will perform a pivotal role in ensuring that this policy is implemented.

The safety committee will oversee monitoring of the efficacy of the policy and other measures to reduce risks and promote workplace health and safety.

# **8 ARRANGEMENTS**

## **8.1 SUSPECTED ASBESTOS – PROCEDURE**

PROCEDURE TO BE ADOPTED ON DISCOVERY OF SUSPECTED ASBESTOS CONTAINING MATERIALS. (ACMs)

This procedure is for use by maintenance contractors / in-house personnel employed by the Council.

The Council has a duty to identify the location and condition of ACM's, to record them and to ensure that risks from exposure are minimised. To this end ALL maintenance personnel will be trained in Asbestos awareness to ensure that they have sufficient knowledge to identify potential sources/locations of ACM's.

All Council maintenance personnel will be trained in the use of this procedure and be made aware of the emergency contact number to call in a report of a suspected ACM.

The Construction Services Manager is responsible for ensuring that ALL maintenance staff are aware of and trained in the use of this procedure and that this knowledge is regularly updated.

## **8.2 PROCEDURE**

All properties with the exception of some commercial ones have had asbestos surveys carried out. The asbestos register should always be consulted before work commences on the fabric of any building. Work should only be undertaken in areas where asbestos is not present.

However, if asbestos is suspected, contact your relevant property maintenance officer or the project leader, or call the Council reporting line for asbestos. The suspicious material should be checked and suitable remedial measures undertaken.

Where ACM's have been damaged or exposed contact any of the following to report it:

- Your Property Maintenance Officer
- Health and Safety (ext 4720/2471)
- Property Assets and Facilities Management (ext 2490/2409)

Advice and guidance on the presence of asbestos is available from Property Assets and Facilities Management.

In general the following actions are carried out based on the condition of the material and its potential for being damaged in its current location:

### **Good Condition**

- Register presence in the Asbestos register
- Monitor the condition of the material at regular intervals
- Where practical (i.e. non public areas such as boiler rooms, attic spaces, etc) the materials should be labelled.
- Inform maintenance employees and any other workers likely to work on or disturb the material

### **Minor Damage**

- Register presence in the Asbestos register
- The material should be repaired and/or encapsulated following a risk assessment by a competent person/contractor
- Monitor the condition of the material at regular intervals
- Inform maintenance employees and any other worker likely to work on or disturb the material

### **Poor condition**

- Register presence in the Asbestos register
- If in poor condition and likely to deteriorate further:
  - arrange for suspect material to be sampled - if asbestos is confirmed:
  - arrange for removal by licensed removal contractor

### **Damaged/Broken/Dusty**

- Register presence in the Asbestos register
- If material has been disturbed:
  - arrange for suspect material to be sampled – if asbestos is confirmed
  - arrange for removal by licensed removal contractor



## **9 TRAINING**

### **9.1 Information**

- 9.1.1 Inverclyde Council recognises the need to provide staff with relevant information on asbestos. Employee awareness will help with the implementation of the policy and awareness of the risks from asbestos. Information on asbestos will be made available on the Council's Intranet System, via Line Managers and Trade Union Safety Representatives or via the information library held in Organisational Development and Human Resources. The information will be updated on a regular basis.

### **9.2 Training**

- 9.2.1 The Council recognises that training of managers and employees is important to ensure that all employees have the necessary skills to carry out risk assessments as required by the legislation. The following training will be made available through the Corporate Training planner or if identified through the risk assessment process other specialist training can be made available. All training provided will include information about this Council policy.

- Asbestos awareness for Operatives
- Asbestos Awareness for Managers
- Any other relevant Courses

### **9.3 Communication of the Policy**

- 9.3.1 The Council recognises the importance of communicating the policy to all employees. This policy will be communicated to staff via the Corporate Health and Safety Committee, the Council's team briefing system and a copy will be placed on the Council's Intranet system ICoN.

## **10 MONITORING, EVALUATION & REVIEW**

- 10.1 This reviewed policy was ratified by the Council's Policy and Resources Committee on 20<sup>th</sup> September 2011 and implemented immediately thereafter.
- 10.2 Regular monitoring and review are necessary to measure the effectiveness of the policy and to ensure it remains relevant to the needs of the Council. The Head of OD&HR will have responsibility for the on-going monitoring and review of the policy, including taking action to amend the policy, where required, in consultation with staff.
- 10.3 The policy will be reviewed 12 months from implementation and every three years thereafter unless there is significant change in legislative requirements or risk assessment identifies a need for review. Measuring the effectiveness of the policy will include the auditing of compliance with this policy, and monitoring of accidents and incidents.



## APPENDIX 1

## PROJECT ASBESTOS CHECKLIST

This form should be completed by competent prior to all modifications, alterations, refurbishment or demolition works commencing and signed off on completion.

IC Project Manager		Tel:	
Job Title			
Contractors name		Tel:	
Building			
Floor		Room No.	
Proposed Project Start Date			
Description of work to be undertaken			

To be completed by the Project Manager

No.	Description	Yes	No	Comments/Observations
1.	Have all relevant sections of the asbestos register been consulted?	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Where asbestos has been identified what type of survey was carried out?			
a	Management Survey	<input type="checkbox"/>	<input type="checkbox"/>	
b	Refurbishment/demolition survey	<input type="checkbox"/>	<input type="checkbox"/>	
c	Unknown/other	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Will any identified asbestos be affected by the work?	<input type="checkbox"/>	<input type="checkbox"/>	
4.	Is a refurbishment/demolition survey required? Note: A refurbishment and demolition survey is needed before any refurbishment or demolition work is carried out. A refurbishment and demolition survey may also be required in other circumstances, e.g. when more intrusive maintenance and repair work will be carried out or for plant removal or dismantling.	<input type="checkbox"/>	<input type="checkbox"/>	
5.	Will the work require removal or remedial asbestos works? Any such work must be recorded and registered onto the PAMIS system so that the Asbestos Register remains up to date.	<input type="checkbox"/>	<input type="checkbox"/>	
6.	Has relevant information on any removal or remedial works carried out been passed to the relevant persons for inclusion on PAMIS?	<input type="checkbox"/>	<input type="checkbox"/>	

Signature		Print	
Date			
Service			